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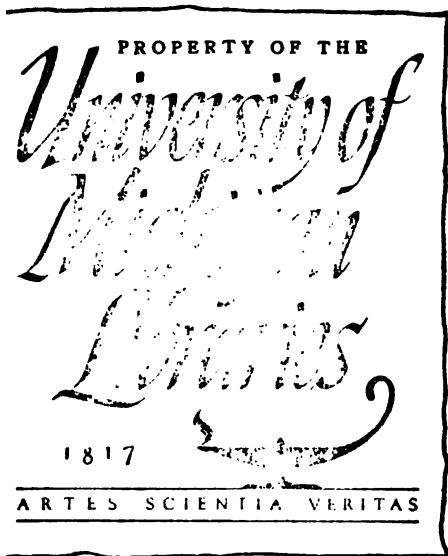
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THE LIFE AND CORRESPONDENCE
OF
RUFUS KING

VOLUME I.

1755-1794

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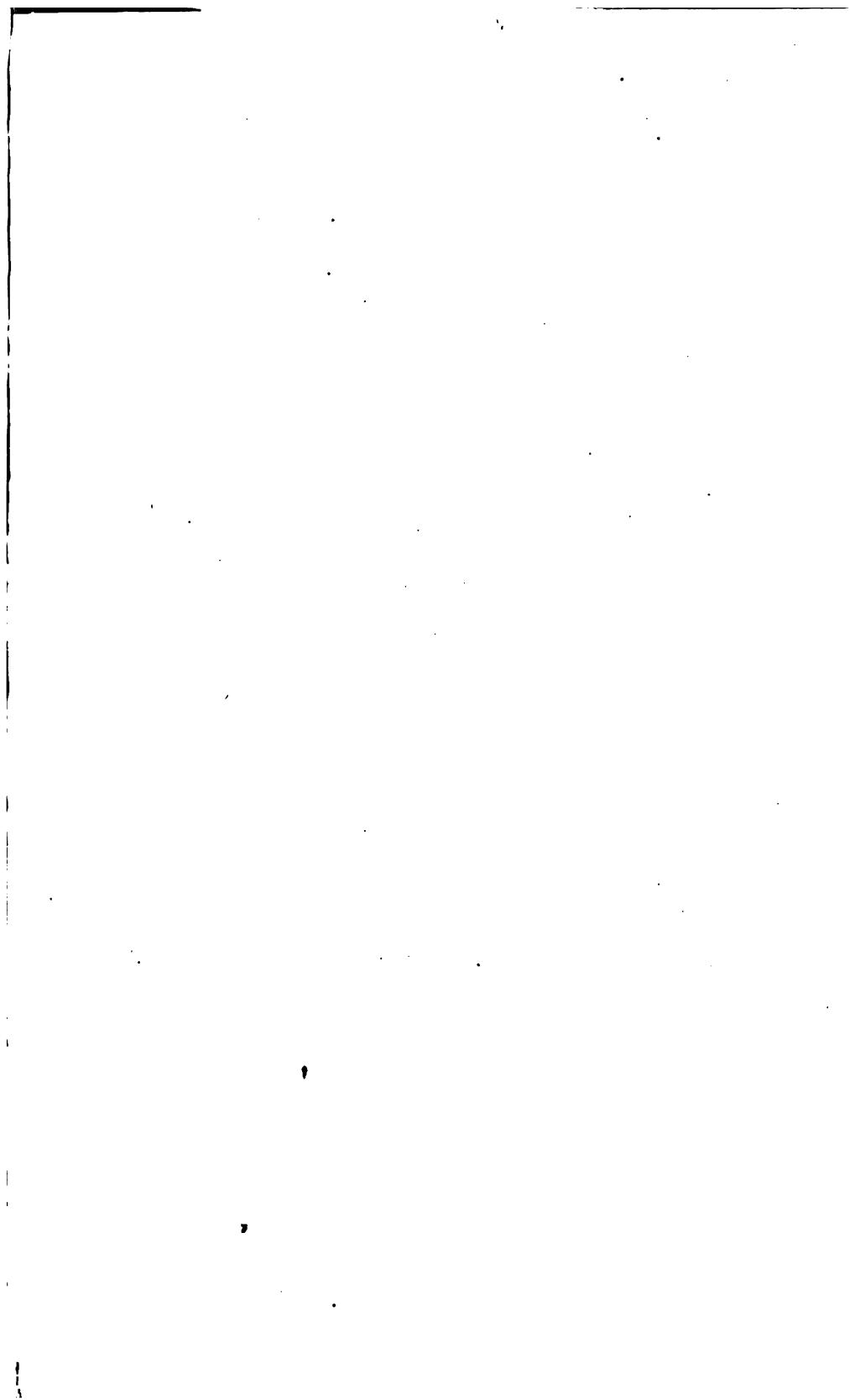
G. P. Putnam's Sons

August, 1894





Rufus King



Rufus King

From a painting by John Trumbull, 1806

THE LIFE AND CORRESPONDENCE

OF

RUFUS KING

COMPRISING HIS LETTERS, PRIVATE AND OFFICIAL
HIS PUBLIC DOCUMENTS AND
HIS SPEECHES

EDITED BY HIS GRANDSON

CHARLES R. KING, M.D.

FELLOW OF THE COLLEGE OF PHYSICIANS, PHILADELPHIA, AND
MEMBER OF THE NEW YORK AND PENNSYLVANIA
HISTORICAL SOCIETIES

VOLUME I.

1755-1794

NEW YORK
G. P. PUTNAM'S SONS

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1894

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G. P. PUTNAM'S SONS

EDITOR'S PREFACE.

In presenting, at this late period, the interesting papers which are made to tell the life-work of one who, for so long a time, was prominent in the history of the country—from 1784 to 1825,—an apology is due to the public that they have been so long withheld. Nearly fifty years ago, the duty of writing the life and editing the correspondence of Rufus King had been assumed by his son, Charles King, then President of Columbia College in New York; except for some valuable but scanty sketches of certain periods of that life, which have been somewhat modified and drawn upon in the present work, little was done other than the collection of material. The scope of his plan is clearly indicated in the Prefatory Remarks, and the present editor can only regret that he, who was so competent, both from a close personal knowledge of his father and from the possession of a practised pen and marked felicity of language, did not accomplish his purpose.

It was not until many years after the death of Mr. Charles King in 1868 that the papers came into the possession of the present editor, who now gives them to the public. As is stated in the Prefatory Remarks, the copiousness of the material which came into his hands makes (for some periods) the task of selection difficult; while at other times, when questions of deep interest are involved, there are gaps in the correspondence which cannot be filled up. He has, however, carefully reproduced, *verbatim*, the letters and many summary statements by Rufus King, in his handwriting, explanatory of public events and throwing light upon persons and the times. There is no desire on

his part to do more than to present a faithful picture of them as they appear, and to vindicate Mr. King where exceptions have been taken to his course in public matters.

A continuous narrative has not been attempted throughout the work, the correspondence filling up the gaps, tied together by explanatory remarks and notes. In an appendix to each volume there will be found many papers of interest, containing some of the writings and speeches of Mr. King during his long public career.

Among these, one in particular will claim attention. Mr. King took notes of the Proceedings of the Constitutional Convention of 1787, of which he was a member. These are now published for the first time, and are confirmatory of the accuracy of Mr. Madison's notes, though perhaps not presenting any materially new matter.

It may be here stated, to account for the reproduction of some letters which have appeared in the biographies of many contemporaneous statesmen, that during the life of Mr. Charles King the correspondence was at different times carefully examined by their writers, and such papers or letters as bore upon these persons were published by them. It is deemed right to introduce them here again, so that their connection with the subject of this work may be preserved and his relations with them may be clearly shown.

With these remarks the volumes are now given to the public, the editor believing them to contain matter interesting for the study of the early periods of the history of the United States, and believing also that they "embody the record of an honorable life devoted to the service of the country."

CHARLES R. KING.

PREFATORY REMARKS.

BY CHARLES KING, LL.D. (WRITTEN ABOUT 1860).

The period embraced within the public life of Rufus King is one which cannot be too thoroughly examined and elucidated by the descendants and successors of those who were partakers in the early struggles of the Revolutionary War, and who assisted in laying the foundations of and carrying out into successful and beneficent operation the institutions under which a nation of ——— millions spread from the Atlantic to the Pacific, and numbering — States is now flourishing in peace and prosperity, in freedom and in union.

Broad as is the canvas thus attempted to be spread before his countrymen, it was found little difficult by the editor to fill it up with scenes and characters of dignity and interest. The embarrassment has been rather in the copiousness than in the penury of the materials, and even now, after laying aside much that to him seemed precious, the editor fears that he may be thought to have sinned rather by overloading than starving the narrative.

It must of course happen in treating of a period of which in the biographies, histories, and correspondences heretofore published, so much has been said that absolute novelty cannot be predicated of all that appears in these pages; but it may be claimed without presumption that in the numerous letters now for the first time published from distinguished personages at home and abroad, and in the general historical narrative, which for a portion of the time embraces European as well as American events, there will

be found a variety and a freshness that will have zest for the general reader.

Writing under the impulse of filial affection and admiration, and at a period of life and after varied experience of the world—when no personal hopes or fears are likely to bias his judgment or restrain his pen from honest truth,—the editor presents these volumes to his fellow-citizens as contributing some precious materials to the history of his country, and especially as embodying the record of an honorable life, devoted to the service of that country—free in every stage of it from the reproach of weakness, of selfishness, or of personal intrigue, and marked throughout by high aims loftily carried out, an enlightened love of liberty, and by the unhesitating devotion of the individual, his faculties, and his possessions to the service of that land.

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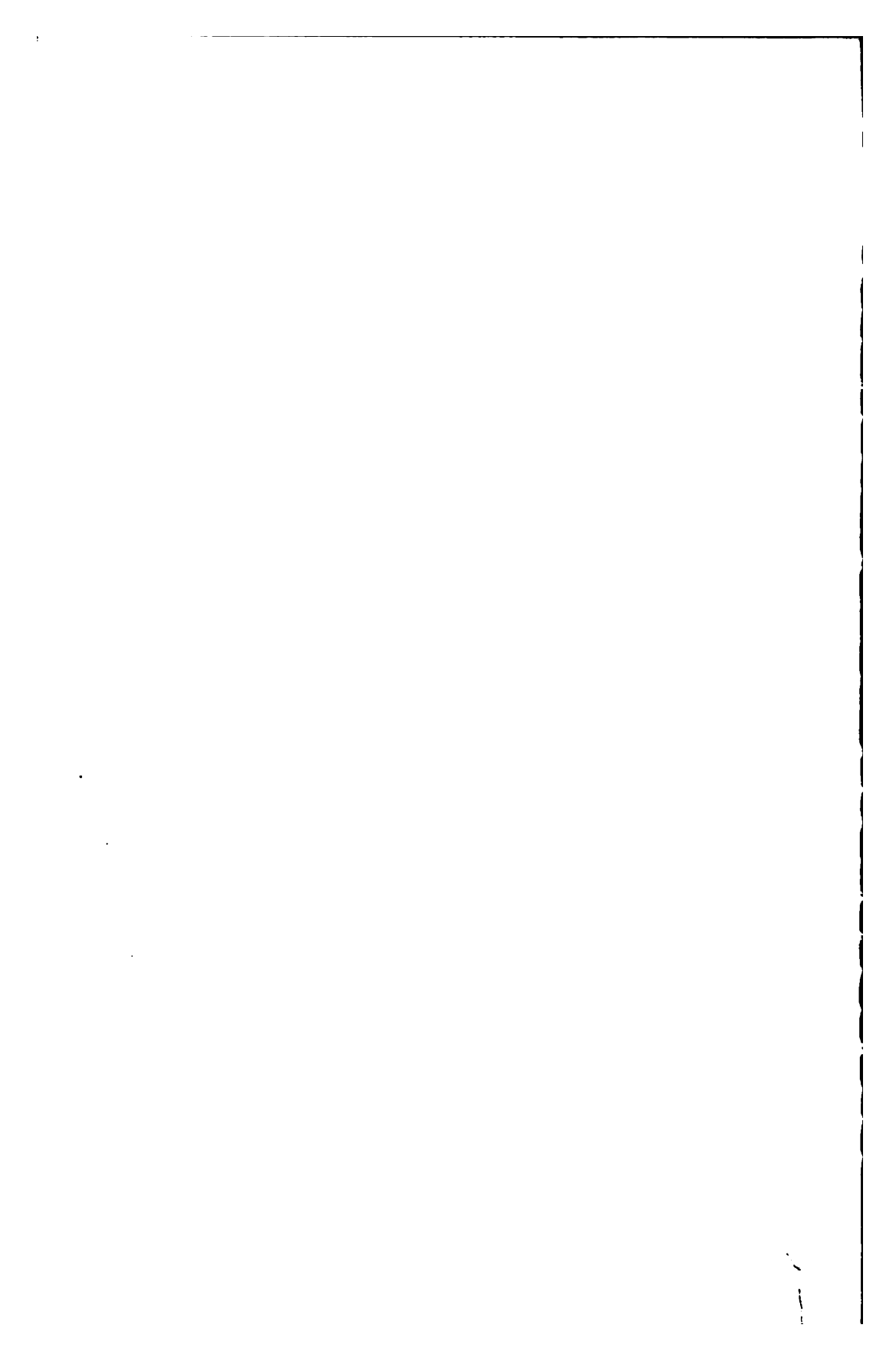
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THE LIFE AND CORRESPONDENCE OF RUFUS KING.

CHAPTER I.

Ancestry and early Years—Enters Harvard—College closed—Studies at Newburyport—Family Letters—Studies at Harvard renewed—Battle of Bunker Hill—Montgomery's attack on Quebec.

Rufus King was born in Scarborough, Maine, then forming a part of the Province of Massachusetts, on March 24, 1755. His father, Richard, was the son of John King, who came to America from Kent, England, soon after the year 1700, settled in Boston, and in 1714 married Sarah Allen, by whom he had a son, who died in infancy. Upon her death, he married Mary Stowell, daughter of Benjamin Stowell, of Newton, Massachusetts, in 1718, and by her had several children, of whom Richard, the eldest, was born in Boston in 1718.

Of the early years of Richard's life there are no records, but there is much evidence that he received a liberal education, which prepared him for the active life which marked his later years. We find him, in 1740, settled in Watertown, Massachusetts, in prosperous business as a trader and factor for Ebenezer Thornton, one of the principal merchants in Boston, for whom he purchased and prepared large quantities of timber.

It is probable that, in the prosecution of the timber business, he visited Scarborough, for in 1744 he was at that place, though he did not then remain there. In the spring of 1745, on the invitation of Governor Shirley, he took part as a commissary of subsistence, with the rank of captain, in the famous expedition gotten up by the Governor against Cape Breton, and seems to have been much relied on for co-operation in raising men. He sailed with the expedition for Louisburg and was present at the capture of that fortress, with the whole French force which was there concentrated. On his return from this successful expedition he sold his properties in Watertown and removed permanently to Scarborough until his death on March 17, 1775. He was both a farmer and a merchant, and in each capacity was so successful as to become the owner of three thousand acres of land, divided into several valuable farms, and to be the largest exporter of lumber from Maine.

For the last twenty years of his life, Richard King was the foremost man in Scarborough, both in respect and capacity. The few scraps of his literary productions* which have come down to us evince his familiarity with the ancient classics, his political sagacity, his prudence and solid sense. As a magistrate, he had an honorable name, and it was said by one who knew him long and well, "that his ability, assiduity, and uprightness in private life were the means of his being called to serve his country in a public sphere, where his attention, ready apprehension, and integrity of mind produced a justness of sentiment and soundness of judgment honorable to the magistrate." He was so remarkably fond of children that the chief tradition preserved of him among his descendants is: "How he loved children!" He died, as he had lived, a Christian gentleman.

Richard King was twice married. His first wife was

* A fire, which occurred a few years before his death, destroyed nearly all his papers and probably what family records he had. What were left passed into the hands of Dr. Southgate, and after his death "they were ruthlessly destroyed by those who did not appreciate their value."

Isabella Bragdon, daughter of Samuel Bragdon, of York, Maine, whom he married November 20, 1753, and by whom he had three children: Rufus, the eldest; Mary, who married Dr. Robert Southgate, of Scarborough; and Paulina, who became the wife of Dr. Aaron Porter, of Portland. Upon the death of his first wife, in 1759, Richard King, on January 31, 1762, married Mary Black, her cousin, daughter of Samuel Black, of York, who survived him many years, dying May 25, 1816, after having borne him five children, Richard, Dorcas, William, the first Governor of the State of Maine; Elizabeth, and Cyrus, who was a prominent man in the councils of the nation.

Rufus King, after receiving such elementary education as the town and times afforded, was sent, at the age of twelve, to Byfield Academy, in Newburyport, of which Samuel Moody was the master. With that excellent and exact teacher he completed his preparatory studies, and in August, 1773, was admitted to Harvard, being then in the eighteenth year of his age. The Rev. Samuel Locke was at that time the President of the college, though "his presidency was disturbed by the political turmoils," which were coeval with the entrance of Rufus King upon life, and which had a great influence upon his character and career. On the resignation of Mr. Locke, at the end of 1773, no election of President was made until July 18, 1774, when Samuel Langdon, of Portsmouth, was chosen, and in October entered upon the duties of the office. "The Statement of Hutchinson," says the historian of the college, "concerning the influence of politics on the affairs of the college, is corroborated by the election of Langdon. He had rendered himself highly acceptable to Hancock and the other Patriots of Massachusetts by his open and bold opposition to the measures of the British Government, and unquestionably owed his elevation as much to this circumstance as to his learning or general character." *

* Quincy, *History of Harvard*, ii., 162.

With such elements at work around him, and, indeed, within the body of which he was a member—for already the students had publicly demonstrated in various ways their interest in and sympathy with the movement for liberty,—it may well be supposed that Rufus King, of quiet, susceptible, and ardent temperament, largely shared in the common sentiment, yet it is certain that he pursued with diligence the studies of his course and did not suffer the excitements of a civil war and revolution without to interfere with his education.

In January, 1775, his father died, leaving a good estate, though with little money yet sufficient to enable his son, through the considerate and liberal friendship of his brother-in-law, Dr. Southgate, to finish his collegiate course. It was indeed fortunate for him that the management of the paternal estate devolved upon Dr. Southgate, who had married his eldest sister. The most entire confidence and affection existed between Rufus King and his brother-in-law, older by several years than himself; and to the skilful arrangements by the latter in the disposal of the estate and to advances made by him from time to time, young King was deeply indebted. In after life Mr. King continued to repose unlimited gratitude and confidence in Dr. Southgate, and still left to him chiefly the management of the family property; and that from one so methodical and exact in all his transactions, and so strictly just, was the highest evidence of his entire trust in the integrity of Dr. Southgate and in his affectionate interest for the family.

The following letters, though long, illustrate well the characters of Dr. Southgate and of Rufus King.

" N. Y., 31st Dec., 1786.

" I have been reflecting whether you have written to me since I left Massachusetts in 1784, but cannot recollect an instance. I have written to you occasionally and should have done so more frequently, could I have promoted your interest or afforded you amusement. . . .

"I expected and intended to have seen you this last autumn, and it was a disappointment, with which I am most sensibly affected, that you had left Boston but a few days before I arrived there. It is now uncertain when I shall see you. My present determination is to be in Massachusetts next summer but objects may so alter, and such different engagements may present themselves, that I can answer for the certainty of no project so remote. In addition to the very great pleasure and satisfaction which I should enjoy in seeing all the branches of the family and in being informed of their situation and views, I wish extremely to make a final settlement with you and Porter relative to the pecuniary affairs which remain unsettled between us. I have always intended that the monies in the hands of Porter, should go to you. Indeed I have desired you to apply to him, whenever you judged proper on my behalf, and he has assured me that he would attend to your requests. I have neither books nor papers with me here; they are at Newburyport. I pray you to apply to Porter, and desire him to make out a statement of our accounts; he has in his power the necessary materials; he knows the amount and terms of his obligation to me; he also knows the payments which I have received." [Here follows an account of wood, board, etc., received by R. K., in the scarcity of a circulating medium, in payment from his brother-in-law Porter.] "The payment he has made may be very readily ascertained by reducing the price of the article at the time by the scale of its specie value; whatever that may be it will be placed to his credit on interest, deducting the capital and interest thereon of the sums I have received, from the principal and interest of the sum Porter owes me, when ascertained as above. The balance will exhibit the debt due to me at the time of adjustment. This I conceive to be the principle whereby Porter and I ought to settle our accounts. I wish you to show him this letter and that he would consider it as well addressed to him as to you. I also desire that both he and you would be candid in giving me your opinion on the subject and to remark freely to me your ideas concerning the manner in which this account ought to be adjusted.

"I have mentioned these sentiments relative to the settlement between Porter and me, not as the only just ones which may be entertained concerning that business, but because I think they

contain a principle founded in law and justice. However I wish not to be my own judge. I will be governed as much by what you and Porter shall think *equitable* and just as he can desire. I entreat you to confer together and make a settlement of the business, send it to me with your wishes, and I am certain you will not be dissatisfied with my conduct.

"I must add another request. It is *proper* that I should ; it is justice to you that I should attend to it. Altho' there has never been a period, since I first went to Newburyport, when I could satisfactorily attend to, and finally close the accounts between you and me, yet my intention has always been that in any event that might happen to me, you should be secure, and there never was a time when you were not so. We went once or twice cursorily into an examination of these accounts, but never made an explicit settlement. I want you to make a statement of your account with me, in such a manner as you think is just & proper. As the debt arose during the circulation of paper, it may probably be more easily liquidated by the scale than in any other way. I say more easily ; how far a liquidation by the scale will be equitable or just, in your estimation, I cannot say ; if such a rule of adjustment, notwithstanding its advantage in point of facility and its authority in contemplation of law, is not *wholly* agreeable to you, I pray you to apply such other rule for the adjustment of our account, as may be more conformable to your expectation and agreeable to your sentiments of equity and justice. Be assured that it is my intention that you should be perfectly satisfied in this business as well as in the manner of closing it."

This letter seems to have been received and acted upon in the spirit in which it was written, as the following letter from Mr. King, while he was attending the Federal Convention in Philadelphia, will show :

" ROBERT SOUTHGATE, Esq.,
" Scarborough.

" PHILAD., Aug. 19, 1787.

" MY DEAR FRIEND :

" I am entirely and perfectly satisfied with your adjustment of the account between us, but am so engaged at this time, that I

have it not in my power to reply to several important points in your kind and affectionate letter. You observe that you may have occasion for some part of the balance which I owe you, and that Porter will not probably have it in his power to give you cash on my account. I have a sum of money in the hands of my friend Christ. Gore of Boston and will write to him to pay you on my account such sum as you may have occasion for. . . . If you have a demand for the whole sum which I owe you, (tho' I always supposed that Porter would be able and willing to pay his debt) I will make provision to discharge it at any time on notice of 20 or 30 days. Indeed as I have it in my power, as I justly and with gratitude owe you the balance stated in your account, it will afford me the highest pleasure to discharge it whenever your convenience shall require."

In April, 1775, immediately after the battle of Lexington, fought on the 19th, the college buildings were taken possession of and occupied by the American troops. The college term was broken up and the students were dispersed. The library and archives of the college were removed first to Andover and afterwards to Concord, at which place the studies were resumed and continued until the evacuation of Boston by the British troops in March, 1776, enabled the Legislature, under whose authority the college buildings at Cambridge were used for public purposes, to restore them to their appropriate use. On June 21st the students were again assembled at Cambridge after a dispersion of fourteen months. This interval appears to have been passed by Rufus King in and about Newburyport. His attention and feelings were deeply interested in the political struggle going on with the mother country, and his letters of that day, full of the incidents of the struggle, show how ardently he embraced the American cause. On June 25th, for instance, he thus writes to Dr. Southgate :

"Mr. Preble of Falmouth calls upon me this morning from Cambridge. I take my pen to write to you all the news I have. My dear Friend, I think the crisis has almost arrived ; a day import-

ant to America is at hand, a day in which every one feels himself deeply interested. Two and twenty transports have arrived this week ; the number of soldiers they brought cannot be ascertained. Five hundred horses were shipped in these transports ; part have arrived but very much enfeebled. The soldiers who came in the transports are said to be irregulars and chiefly recruited out of jails and places of punishment. Gage has at this period sent out a *most scandalously false* relation of known facts, and after offering in his poor way safety and protection to every one who shall be so wicked and so abandoned a villain as to desert his country's cause, he with great appearance of pomp and pious sanctity denounces death and confiscation to every one who shall not comply with his despicable request. But America spurns the production of the petty tyrant, and treating it with deserved contempt, stands firm upon the pillars of liberty, immoveable as Heaven and determined as fate. One kindred spirit catches from man to man. . . . The continental Congress are unanimous and determined. They have voted to raise 70,000 men and three millions of money."

Another letter, written apparently soon after the battle of Bunker Hill, contains a narrative of this battle, which is mainly interesting as recording the facts as understood on the spot at the time.

R. KING TO DR. SOUTHGATE.

[Probably July, 1775.]

DEAR SIR :

. . . I suppose you must have heard before now very near the Truth, concerning the engagement at Bunker's Hill. Nevertheless, I having been at Cambridge since the Action, & having had opportunity of enquiring, concerning the Conduct on both sides, of persons who are capable of giving a reasonable & just account & who were really in the Action, shall relate *in short* what I learnt concerning the affair. That a Detachment of between 1000 & 1500 of our Men was sent on Friday Night the 16th June to throw up an Intrenchment upon the Back side of Bunker's Hill, back of Charlestown ; they continued their work with great Diligence until ye morning, when they were discovered

by the Enemy in Boston & on board the Ships, upon which a very sharp cannonade began, which considerably annoyed our Men in their Works. Intelligence was soon had at head Quarters of the state of matters, & the Camp was ordered to be in readiness in case of an Alarm. The Cannonade continued from Corpse Hill, the Ships in Harbr. & from sundry floating Batteries untill abt. 2 o'clock, when our Men perceived that the Enemy were abt. bringing over their Forces to force them from their Intrenchment. The Enemy soon transported themselves, to abt. 3000 in Number, to the point of Land between Mystick & Charles River, *there* they formed regularly & with great Calmness. They then began their march, with a very wide Front, in the centre of which there was a field piece & one at each wing. They soon came within shot of our Men, in the Intrenchment, who fired with great courage and very severely. The Enemy sustained the Fire of our Men, which was extremely warm, with admirable Fortitude & Bravery; they in their advancing stood shoulder to shoulder and as soon as one Man was shot down in the front, another from the Rear immediately filled his place, & by that means in a wonderful manner kept their Body *in form*, upon which alone their success depends.

In this manner they continued their advancing until they forced our Men from their Intrenchments, by their Wings closing in order to surround and cut them off. The most of those who were slain on our side, were killed after they left the Intrenchment. Previous to their (the Enemy's) advancing against our Intrenchments, they fired the town of Charlestown, which was entirely consumed. Our Loss was abt. 60 slain, 30 taken Prisoners, & about 180 wounded, likewise 4 field pieces were left. All accounts confirm the supposition that the Enemy's Loss, kill'd & wounded can't be under 1400: amongst whom were 84 commissioned Officers. America lost a Good Friend in Dr. Warren and a brave Soldier in Maj. McClary. The Enemy have fortified Bunker's Hill, & our Men have intrenched in such a manner round them, that they would find it difficult to get out. Gage fires some of his Cannon from the Neck now & then into Roxbury, but does no great Execution.

It is generally thought, that if the officers had led on their men according to their orders, our Men would have prevented the

Enemy's forcing our Works, and obliged them to have retreated. Officers did not do their duty, nor were our men led on to the action.*

R. KING.

My Paper is all out & this is written in great haste, therefore you'll excuse. Mr. Winthrop the Librarian was in the Engagement and received a slight wound in his head.

It does not appear whether he went on with his class at Concord when the duties of the college were resumed there; he rejoined them, however, as soon as the college buildings were restored to their original use, and continued a diligent student to the close of the term of 1777, in which year he was graduated with some distinction for his classical and literary attainments, and for his oratorical powers, which he had studiously cultivated.

On leaving his *Alma Mater* he forthwith entered upon the study of the law in Newburyport under Theophilus Parsons, already an eminent lawyer and afterwards distinguished for a long and honorable career as Chief-Justice of Massachusetts.

But he brought with him from Cambridge unabated zeal for the cause of his country. In July, 1776, while yet a collegian, in writing to Dr. Southgate giving an account of

* It is known that a severe scrutiny was instituted into the conduct of the officers charged with delinquency in this battle, and that some of them were cashiered. Frothingham in his *Siege of Boston*, pp. 66, 67, gives the names of and sentences upon several of them so tried. Among these were four colonels of regiments, one major and one captain, of whom all but two of the colonels were cashiered. The Major Mr. McClary, whose death is deplored in the above letter, was attached to Col. Stark's regiment, and is thus described: "He was a favorite officer. He was nearly six feet and a half in height & of an athletic frame. During the action he fought with great bravery; and of amidst the roar of artillery, his stentorian voice was heard animating the men and inspiring them with his own energy. After the action was over he rode to Medford to procure bandages for the wounded & on his return went with a few of his comrades to reconnoitre the English, then on Bunker's Hill. As he was on his way to rejoin his men, a shot from a frigate lying where Craigie's bridge is, passed through his body; he leaped a few feet from the ground, pitched forward & fell dead on his face."

the efforts making in the neighborhood of Cambridge to send recruits to the northern army to oppose Burgoyne, he adds: "Were I free from my present connection, I would surely enter immediately into the service designed for this quarter." When two years afterward, in 1778, from the town of Newburyport, where he was at his law studies, a detachment went forth under the command of General Glover, of that town, to assist in the attempt that was to be made by General Sullivan to retake Rhode Island, it is not a matter of surprise that Rufus King, abandoning his books, hastened to the camp, was welcomed by General Glover, honored with the position of aid-de-camp, and was so announced in general orders of August 17, 1778.

That expedition, as is well known, failed of its object by reason of the withdrawal of the French fleet under Count D'Estaing to other services in the West Indies. The command of the waters thereby reverting to the British, all the efforts of General Sullivan's force to dislodge the enemy from Newport were rendered abortive; and indeed the situation of the force itself, on an island, became perilous; therefore after a short and vigorous campaign, the American army was withdrawn to the main land and the volunteer portions of it disbanded. The aid-de-camp's services were dispensed with by the following order, as it appears in the order book of General Glover still in existence.*

Text of General Order 5th September, 1778:

"Major King & Few, all having served as volunteer aids to Gen. Glover in the late Expedition against R. Island, and having merited the approbation of Gen. Glover, the Commander in Chief (Genl. Sullivan) dismisses them with his thanks for their faithful services."

This brief service is Rufus King's only connection with the military annals of the Revolution. In a letter to Dr. Southgate, 1st October, 1778, we find this allusion to it:

* In the hands of Robert Hooper, grandson of General Glover, President in 1851 of the Boston Bank.

"I determined to have given you a particular account of my Rh. Island expedition immediately upon my return, when the matter was fresh and talked of, but no opportunity presenting, I delayed from day to day and now it is become an Old Story. I enjoyed fine health upon the Island and the scene was not disagreeable to me ; I saw and experienced enough to satisfy my curiosity.* . . . Adieu.

" R. KING."

Having thus tasted of war, Mr. King returned to Newburyport, where he applied himself diligently to his professional studies, and being admitted to the bar in 1780, he entered at once upon the practice of the law. His success was rapid, and both as a speaker and careful and painstaking

* A singular illustration of a common saying and perhaps belief among soldiers "that every bullet has its billet," nearly affecting the subject of this biography, is thus related by Colonel Trumbull, who was a volunteer aid to General Sullivan : " As I rode back to the main body on Bull's Hill, I fell in with a party of soldiers, bearing a wounded officer on a litter, whom I found to be my friend *H. Sherburne*, brother of Mrs. John Langdon of Portsmouth, N. H., a fellow volunteer. They were carrying him to the surgeon in the rear to have his leg amputated. He had just been wounded by a random ball while sitting at breakfast. This was a source of lasting mortification, as he told me afterwards : ' If this had happened to me on the field, in active duty, the loss of a leg might have been borne, but to be condemned through all my future life to say I lost my leg under a breakfast-table, is too bad.' Mr. Rufus King was acting that day as volunteer aid-de-camp to General Glover, whose quarters were in a house at the foot and east of Quaker Hill, distant from the contested position of the rear guard a long mile. The General and the officers who composed his family were seated at breakfast, their horses standing saddled at the door. The firing on the heights of the Hill became heavy and incessant, when the General directed Mr. King to mount and see what and where the firing was. He quitted the table. Poor Sherburne took his chair and was hardly seated, when a spent cannon-ball from the scene of operations bounded in at the open window, fell upon the floor, and rolling to its destination, Sherburne's ankle, crushed all the bones of his foot. Surely," adds Colonel Trumbull, in language which translates reverently the idea of the military saying quoted above, " there is a Providence which controls the events of human life and which withdrew Mr. King from this misfortune."—Colonel Trumbull's *Autobiography*, pp. 53, 54.

Mr. King in after life occasionally met Mr. Sherburne with his wooden leg, which, he used to say, should by right be worn by him, Mr. King.

attorney, he obtained reputation and employment.* Peace being restored, the political condition of his country, now an independent nation, could not fail to enlist his interest; for its sufferings and perils had not passed away with the war. A disordered currency, the absence of any strong national authority, languishing commerce, a heavy debt, and no certain or adequate revenue, combined to depress all but

* Mr. George Lunt writes to Mr. Charles King, Boston, June 9, 1854, the following:

"Hon. CHARLES KING, Pres. Col. Coll.:

"Dear Sir:

"I heard an anecdote a few days since of your father's daily life, which I thought unlikely to have reached you, and which, whether of use to your biography or otherwise, it could not but be pleasing to you to learn.

"The story is to the following tenor. That on some occasion he had been attending court at Plymouth, and having been detained until Saturday night—and, we will charitably suppose, his business requiring necessarily his presence at home on Monday morning, he took advantage of the fine Sunday morning preceding, to start on his homeward way, of course in those times on horse-back. Upon riding through the town of Hanover, on a solitary road, he came upon a plain and quiet place of public worship; whereupon he hitched his horse, and upon entering found himself in a Quaker Meeting-house; the town then and now having many inhabitants Quakers.

"After sitting quietly for some time and observing no outward manifestation of the movement of the Spirit among the brethren, Mr. King arose, addressed the astonished assembly in a style, we will presume, so much higher than the ordinary devotional exercises, and at the same time in a manner so entirely appropriate to the place and the occasion, that in the midst of their amazement at his sudden appearance among them (where strangers were not often seen), and the effect of his extraordinary eloquence and (as I have been told) very handsome person—he stepped out and mounted and 'roundly he rode away.'

"The consequence was that certain, at least, of the honest brethren, not to speak of the sisters, always insisted upon it, that *an angel* had appeared among them. But some years afterwards, at the commencement of the session of the Massachusetts Legislature, Mr. King rose to speak in the House of Representatives, of which he was a member, and as soon as he opened his mouth, up jumped the Quaker Representative from Hanover, 'That,' said he, 'is the man that spoke in our meeting-house.'

"I had this anecdote from Hon. Wm. Baylies of West Bridgewater, a gentleman eminent in the legal profession and excellent in private life, and long since Member of Congress from his district. He informed me he had often heard the story told by Rev. Mr. Holmes, of Rochester (I think), Bristol County."

the most firm and hopeful among the patriots, who had successfully carried on the war for independence. Massachusetts felt the full share of all these difficulties, and Newburyport, then one of the most active and flourishing of her seaports, called upon the young lawyer in 1783 to be one of her representatives in the General Court.* On the 7th of October he took his seat, soon becoming conspicuous there ✓ by his power as a debater and by his intelligence and industry in the discharge of his duties. He early perceived that the evils of the times could only be remedied by a ✓ faithful and willing adherence on the part of each State to the provisions of the Confederation, so as to enable the General Congress to take care of the interests of all the States, to provide for the common debt, common expenditure, the common defence, and the common welfare. Yet when, in 1784, Congress called upon the States severally to authorize the raising of the five per cent. impost, for the use of the general government, Mr. King led the party in the Legislature of Massachusetts, which opposed the duty and necessity of conceding this impost to the General Congress; ✓ and although opposed by General Sullivan, whose great age and revolutionary service necessarily imparted weight to his opinions, Mr. King prevailed and the measure was defeated at the time.†

* MS. Journal of the Massachusetts House of Representatives, vol. for May, 1783—March, 1784, Tuesday, October 7, 1783 (p. 219).

"A return was made from the Selectmen of the town of Newburyport, whereby it appeared that the inhabitants of said town, by virtue of a precept issued to them the last sitting of court, had made choice of Rufus King, Esq., to represent them in the General Court in the room of Jonathan Titcomb, Esq., who had been chosen a naval officer. Mr. Bartlett was directed to attend to the qualifying of Mr. King in the usual manner."

† "About the year 1784, Congress recommended to the several States to grant to the general government, a five per cent. impost. The proposition met with much opposition in the general court. A distinction immediately arose between the federal and state interest; those members who were adverse to the grant, being classed as friends of the states, those in favor of it as the friends of the general government. The leader of the latter party, on this occasion, was the late Governor of Massachusetts, Sullivan, then the most

On November 3, 1784, he was, by a very flattering vote, selected by the Legislature as one of the delegates* of the State to the Continental Congress then sitting at Trenton, having for his colleague Nathaniel Gorham. Mr. King, in conformity with the principle of punctuality in the discharge of duty, which his whole career illustrated remarkably, with-

popular speaker in the house; of the former, Mr. King. The debate was in the highest degree interesting, and after being protracted for several days, terminated in the triumph of those who voted with Mr. King. Of the merits of the controversy, however, we forbear to speak; for it would necessarily lead us into too wide a discussion, to be enabled to ascertain the precise point at which state jealousies became unreasonable. But Mr. King was then in the season of warm and ingenuous youth, and if, in this instance, he did not take the better side, it may safely be asserted that, at least, his choice was made from pure and proper feeling."—William Coleman, "Sketch of Rufus King," in *Delaplaine's Repository*, vol. i., p. 178.

"Mr. Coleman's authority for this is a memorandum of Mr. King, in 1817, in these words:

"My impression now is that the discussion in the Legislature of Mass., in wh. I was opposed to Mr. S. and other distinguished men, was relative to the recommendation of Congress to the several States to grant them power to levy for the use of the general Government an impost of 5 pc. on the value of all goods imported into the United States.

"In the course of the War of the Revolution, a jealousy was excited by the Adamses and other men in Congress, that France was acquiring too great an influence over our public affairs; that certain men and particular States were devoted to the views of France and that the welfare of the respective States required, that instead of encreasing the power of Congress the general Govt. should be held to a dependence on the States for supplies, wh. would enable the States to enquire concerning the policy and measures pursued by the Govt.

"Another question propounded to the States by Congress and concerning wh. we had much discussion, was the alteration of the article of the old Confederation which apportioned the supplies among the several States according to a valuation of lands granted and surveyed in each State, including the houses thereon and improvements thereof—for the rule by wh. direct taxes are apportioned among the States by the present Constitution.

"The recommendation of Congress on both points was followed by Mass. and if I can trust my recollection I opposed the first and supported the second."

*[Extract from the original MS. Journal of the Senate of Massachusetts (never printed), vol. for 1784-5, page 196. *Wednesday, 3 November, 1784*—Samuel Adams, Pres.—20 other members present.]

"Mr. Dawes came up with a message from the Honorable House to inform the Senate that the House were ready to proceed to the choice of two Delegates

out visiting his home,* and after attendance to his business in Newburyport, proceeded at once to Trenton,† took his seat in Congress ‡ on December 4, 1784, and on the first divi-

to represent this Commonwealth in Congress and a collector of excise for the county of York according to assignment.

"The Senate attended in the Representatives' chamber accordingly.

"Tristram Dalton, Esq., Elisha May, Esq., Mr. Dawes, Mr. Cross, and Mr. Davis of Boston were appointed a Committee to collect and count the votes.

"The Houses by joint ballot proceeded to the choice of two Delegates to represent this Commonwealth in Congress. The Committee reported that the number of votes were 136; that 69 made a choice; that Rufus King, Esq., had 83 votes and was chosen; that there was *no choice for any other*.

"The two Houses then proceeded to the choice of one delegate to represent this Commonwealth in Congress.

"The Committee reported that the number of votes were 139, that 70 make a choice, and the Hon. Nathaniel Gorham, having 72, is chosen.

"Ordered, that the Secretary be, and he hereby is, directed to notify Rufus King, Esq., and the Hon. Nathaniel Gorham, Esq., that they have been this day severally elected Delegates to represent this Commonwealth in the United States in Congress assembled, in manner prescribed in the constitution, and that he request an answer from those gentlemen, whether they accept the trust or not."

[*Thursday, 4 November, 1784, (page 199).*]

"The Secretary laid on the table a letter from the Hon. Rufus King, Esq., signifying his acceptance of the trust of a Delegate to Congress. Read and sent down.—Read and came up."

* DR. SOUTHGATE :

SALEM, 20 Nov. 1784.

I intended seeing you this fall, but by an appointment of the Gen. Court I am directed to go on immediately to Trenton as a delegate from this State to Congress. I shall leave Newburyport on Wednesday next. . . .

Yours affectionately, R. KING.

† The Continental Congress had met hitherto at Philadelphia, when it was not in possession of the enemy; but by reason of the mutinous conduct of a portion of the Pennsylvania line of troops, who marched upon the Hall where Congress was assembled in June, 1783, and sought by menace of arms to extract from that body the arrears of pay due to the army, it adjourned to meet in Princeton, the Governor of Pennsylvania and the city authorities being unable, or dilatory in efforts, to afford proper protection to Congress. The College buildings at Princeton were promptly offered for its use, and the citizens as well as the public authorities of that town, and indeed of the State at large, pledged themselves that in New Jersey, Congress should be secure from all interruptions or insult. After a brief session at Princeton, Congress on November 4th, both for its own convenience and not to be the cause of interrupting the studies in the College, adjourned to Annapolis, Md., and at the close of the session resolved to hold the next session at Trenton, where it met on November 1, 1784.

‡ "My appointment was an innovation in this respect, that according to our habits, I was then too young a man to have been elected to Congress."—R. K.

sion, in which his name appears, it is among the Nays on a motion of Virginia to strike out from the bill then under consideration for establishing a permanent seat of government for the Confederation, the provision requiring it to be established "on the banks of either side the Delaware below Lamberton," and to insert in lieu thereof the words "at Georgetown, on the Potomac." This was the beginning of a long struggle, which was eventually successful, of the South to carry the seat of the General Government into the slave States. By a vote of Congress, in which Mr. King concurred, it was decided on motion of Mr. Howel, of Rhode Island, seconded by Mr. Jay, that there should be only one fixed place for the meeting of Congress, and a committee was appointed "to lay out a district not less than two, not exceeding three, miles square on the banks of either side of the Delaware not more than eight miles above or below the *lower Falls* thereof for a federal town," and to contract for the erection of suitable buildings, etc.; and it was stipulated that until these should be ready for the accommodation of Congress, that body should sit in New York.

It was during this short session at Trenton that Mr. King became personally acquainted with Lafayette, whom it was his good fortune in after years to serve; for on the 11th of December Lafayette was formally received by a committee of Congress, Mr. Jay being chairman, that he might finally take leave of them previous to his return to France.

R. KING TO DR. SOUTHGATE.

"DEAR BROTHER :

NEWBURY, 18th May, 1775.

". . . Upon our passage we narrowly escaped Difficulties from some of the attendants upon the Ships of War."

TO DR. SOUTHGATE.

DEAR BROTHER :

NEWBURY, 5th June, 1775.

". . . I suppose you will be informed of the Expedition of our men to Hog and Noddle's Islands, before this can reach you —perhaps you may not have the truth. The Design of our men

was to take off a quantity of Sheep, horned Cattle & Horses. The Sheep & Cattle belonged to Men in Chelsea and round the same ; the Horses belonged to Genl. Gage. They effected their Design without the loss of any Lives on our side ; the Loss upon the side of Genl. Gage is uncertain, tho' probably 40 or 50 killed or mortally wounded : the Armed Schooner, of about 90 Tuns burthen, was burnt, & the Swivels &c belonging to her, with some of the sails &c, fell into our people's hands. They brought off from these two Islands abt. 600 Sheep, together with their lambs ; the number of horned cattle uncertain, together with 39 horses. Upon Thursday last, a Detachment was sent off from Genl. Putnam's Forces in Roxbury, who went to an Island, called Deer Island, in Boston Harbour, to take off a number of Sheep which was thereon. A Barge with a Number of Men was sent from some of the ships in the Harbour, to discover what our Men were after. The Barge proceeded so nigh to the Island, before they discovered our Men that upon our Men's discovering themselves, she found herself within their power & surrendered themselves prisoners. Our Men drove off about 300 Sheep and after they had hauled up the Barge and hoisted their sails upon the Land, they placed their prisoners in her, and dragged her & them to Cambridge in Triumph. . . . Our Men have made a long Intrenchment upon a Hill between Camb. & Boston : they are continually building Boats and learning their Soldiers to manage or row them ; they place a Swivel upon the Head & Stern of these Boats : what their Design is, we don't yet see. . . . Last week some Letters sent from Genl. Gage and Mr. Sewall were taken from *Bob. Temple*, who upon his passage to London from Boston was forced to put in at Cape Cod, by Reason of a Leak in the Vessel ; by which Letters it appears that there are about 3700 Men under Genl. Gage, and he apprehends himself to be surrounded by abt. 30,000 desperate Americans, who are determined to die or be free.

Adieu. RUFUS KING.

R. KING TO DR. SOUTHGATE.

CAMBRIDGE, 7 Feb'y, 1776.

SIR :

. . . Am now at Cambridge. News, News, I suppose is your first inquiry. Montgomery, alas 'twas an unhappy repulse—a great, good man lost—*How*, I'll tell you. Whether the plan was

founded on cool reason, deliberation & prudence I shall not pretend to say. Matters of fact will suffice; much doubtless may be urged in favor of ye former—however, leaving Speculation: by the last Express, (*one Parker*, a gentleman with whom I have no intimate acquaintance) the state of affairs in ye Northern world appears to have been this. Genl. Montgomery at ye head of about 1200 Men, flushed with success, formed in his mind the plan of storming the *City of Quebec*, defended by about 1300 or 1400 Men, the greater part of whom were Sailors: which being approved of by his fellow-warriors he attempted in the following manner. Abt. 300 men under Col. Arnold were to enter the lower Town early in the morning when the tide of the St. Lawrence was out; at the same time a very considerable part of ye remainder of the Army was to enter the upper town with scaling ladders under Genl. Montgomery. Arnold succeeded in his Quarter, entered the lower town, but being wounded, by advice retreated. The party which was under Arnold waited with anxiety for the signal of Montgomery's having succeeded in entering ye upper town: but in this unhappily they were disappointed, for Montgomery upon attempting found it impossible to succeed in his plan unless he could destroy the North West Gate of the upper town; which, after fruitlessly attempting to persuade some of his Men to attempt, the greater part of whom were thrown into a great panick, upon the opposition they met with, he and his aide-de-camp endeavoured to accomplish by setting fire to the Gate, but were both unluckily killed in retiring; which immediately spread confusion amongst his men, who instantly fled in great disorder. Arnold's party finding themselves unable to support the charge of the beseiged, who assumed great courage after the death of Montgomy. and the Repulse of his party, endeavoured to retreat and escape out of the city, but found themselves hemmed in by ye Tide, which had risen after he entered ye town, & they were obliged to surrender themselves and became prisoners. However the army did not forsake the Suburbs of ye City, but when Parker came away, they were hanging abt. ye City. Large Re-inforcements have gone, and still are going to yt. Quarter. What success they may have can't say; hope for ye best. Col. Knox has lately got in from Ticonderoga with a considerable train of Artillery. Nothing new in Camp. Genl. Clinton has abt. 1000 Men, it is^said, who have embarked for Virginia. The Army in

Boston meet with great difficulties in providing for their light Horse. By a Gentleman who lately came out of Boston I was informed that they have two bake houses constantly employed in baking for their hotels. You must take things as I think of them. Governor Wentworth's lady has left him & exhibits as an actress upon the Theatre in Boston, a Daughter of the late Secretary Flucher's also. . . . Do you succeed in your Salt-petre Works?

Your's affectionately,

R. KING.

R. KING TO DR. SOUTHGATE.

"CONCORD, 17th Feb'y, 1776.

"DEAR SIR :

". . . What our actual strength is in Canada, I can by no means learn ; doubtless numbers from our North Westerly Settlements have joined Genl. Wooster since the unfortunate attempt upon the City (Quebec). . . . hope with the blessing of heaven, our troops will yet be crowned with success in the reduction of that Northern fortress : little dependence can be placed on the Canadians ; they prove friends alternately to the strongest side. When the sally was made from Montreal and Allen taken prisoner, in less than three days 2000 of them took up arms for Carleton ; but in 2 days after the news of the success of our troops at Chamblee & St. Johns, they all deserted him & joined our troops. . . . You may recollect that some time ago you saw a hint in the paper, of Genl. Schuyler's marching to Johnstontown towards *Detroit* to quell some insurgents in that remote part of the world ; perhaps you have heard no particulars—take the account in short. About 700 men, mostly Scotch, instigated and headed by Johnson had embodied themselves, formed a fort, publicly declared that they knew not the justice of the cause, in which America was engaged—manifested their determination of not assisting them and resolution to oppose them in case of a convenient opportunity. Upon this information, though their numbers were small & their situation rendered them contemptible, yet when on one hand was considered the natural instability of the Savages, and on the other, the subtilty of Johnson, & the

power he had over the Indians, there was danger that their numbers would increase and their strength become formidable to some of our frontiers. So that it was thought expedient to crush the conspiracy while young; and Schuyler having performed his march at the head of 2 or 3000 men, entered their fort without opposition, disarmed them & having demolished the fort, returned, after being assured of the friendship of the Savages, with 7 or 8 of the chief insurgents, whom he has confined within the limits of the city of Albany. Johnson's person became sacred by reason of the affection the Indians have for him, otherwise Schuyler undoubtedly would have secured him. Gen. Lee is at New York at the head of what Troops are there, &c."

R. KING TO DR. SOUTHGATE.

CAMBRIDGE, 1st July, 1776.

MY DEAR FRIEND :

Fortune seems to lower upon us in our public matters; the situation of wh., at present, is embarrassing. Canada proves an unlucky Department. Our Troops, 'tis said, have retreated to St. Johns, Burgoyne having arrived with 10,000 Foreigners. New recruits are raising to march that way. £6. bounty is given. Was I free from my present connections, would surely enter immediately into the service designed for that quarter.

From York we have, as yet, no account of any action, as has been expected. A most high conceived, villainous plot has been discovered there, for taking off the General Officers & blowing up the magazine. Particulars have not yet transpired. . . .

Believe me, my dear Brother, when I tell you, that the situation of our family, added to the gloomy prospect, which a young man in my condition, has before him upon entering into the world at this day, distracts my soul and renders me almost desperately resolved to engage in my Country's service, hoping thereby so far to drive away reflection as to be moderately happy. I confess that could I enjoy domestic ease & pleasure with my friends & acquaintance, 'twould be more agreeable than the fatigues & tumults of war. In the former Ambition would be dead, but nevertheless, I should be calm & happy. In the latter I doubt not I should likewise be happy. In Camp there is a spacious

field for ambition to play in ; & the man who places "death in one eye & honour in the other," will never fail of acquiring that distinction his soul thirsts for. But for the present, I suspend these notions, & as well as I am able, content myself with my situation. . . .

With greatest sincerity your's,

R. K.

R. KING TO DR. SOUTHGATE.

CAMBRIDGE, Aug. 6, 1776.

DEAR DOCTOR :

The last time I wrote you, I mentioned the discovery of the plot* at York. . . . Suffice it to say, that it appears from all accounts that the lowest & most infamous methods were employ'd by Government to bring about their darling plan of subjugating the Colonies, & that no groveling baseness was stuck at, no sums of money spared in bribing Villains to their purpose.

The plot was by far more extensive, I believe, than is generally imagined, & had the scheme been executed with success, in its greatest latitude, it would, I doubt not, have been attended with most fatal & ruinous consequences to the common cause of America.

A happy discovery has saved what could never in our present situation (have) been restored. The Life of one General, with some other officers, who would have been sacrificed with him, had their plot taken effect, is of more importance perhaps than that of a very considerable Army.

How affairs will finally turn is impossible to say with certainty. Much, very much, probably depends as to the continuance of the war, upon the Event of this Campaign. Great is the anxiety of men concerning the expected Battle of York. Genl. Howe has or will soon have at least 20, if not 5 and 20,000 effective Men. These with Officers experienced in Practice of War, brave by custom, are no contemptible Enemy ; whenever they strike, small difficulties will not oppose them. Half their numbers must fall before they give up their point. On the other hand 47,000 Men, or more, strongly intrenched with 5 or 600 good pieces of Ordnance, commanded even as they are, engaged in the Cause of

* Marshall's *Life of Washington*, v. ii., p. 392 ; Irving's *Life of Washington*, v. ii., p. 245.

America, with a firm persuasion of a peculiar justness & righteousness manifest in their cause, are an enemy which I dare say Genl. Howe thinks of in many a wakeful moment. Many pretend to say that the British troops must suffer a repulse should they, which I think their sullied honor will oblige them to, make an attack upon our troops in their Intrenchments.

Respecting the Northern quarter, I imagine you must know as much with you, as is known here. Genl. Gates doubtless will make a stand at Ticonderoga—I hope an effectual one. His men at present, I believe, are in fine health—by the latest accounts it appears so. Phinney's Regiment is ordered from Boston to Ticonderoga. I guess the pious Elder would as lieve tarry where he is; but he was formerly fond of action—hope now he will be satisfied. Genl. Sullivan left the Army at the Northward, immediately upon the arrival of Genl. Gates, by whom, in every view, he was superceded. A great uneasiness appeared among the Soldiers upon the appointment of Gates. A number of the field officers addressed Genl. Sullivan upon his leaving the Camp, expressing their fondness not only of his conduct while Commander-in-chief, which by the bye is spoken of in the highest terms, but of his general character since the first formation of our Army & regretting most unfeignedly his determination of leaving the Camp. He answered their generous address with great complaisance & likewise with an enthusiasm highly becoming him as a Soldier. Is it not probable as he *is gone* to Philadelphia, that he will have the Command of the flying Camp, forming at this time in that quarter? The Command, I think, as yet, is not given to any one. *Genl. Lee has acted in character*,* according to our accounts from the southward concerning him. . . . Adieu.

R. KING.

R. KING TO R. SOUTHGATE.

CAMBRIDGE, 16 October, 1776.

MY DEAR SIR :

. . . Little is heard from the Northern Army. I saw a letter from an officer in that Department some days since, without date, but probably written about the 1st this inst. Octo. He says

* He with his officers received a vote of thanks from Congress for repulsing the British Fleet at Charleston.

our people are growing stronger, being much reduced with Fevers and Fluxes. Venison in great plenty on the mountains upon the tops of which the snow begins to make its appearance. They are firm at present. I write you as things cross my mind. Our General Assemblies have chosen committees to go to York and Ticonderoga for raising the new army. They give no additional bounty, to that of the Congress. They engage a suit of clothes yearly, together with a blanket and Hat.

I imagine by what I learn from various quarters, that few of the men now with Genl. will tarry longer than the expiration of their enlistments. At York appearances are good respecting the matter; the soldiers show a disposition of continuing in the Service. The papers have doubtless informed you of Major Bigelow's return home, together with the other Americans taken prisoners at the attempt of Storming Quebec. They all gave their parole not to take up arms again against His Majesty until exchanged. Major Bigelow speaks in the highest terms of Genl. Carlton's humanity & noble generosity towards the Americans who were prisoners. He wipes off all those aspersions thrown on his character and represents him as a Courtier, a Gentleman & a Soldier.

It is reported that the French have offered their navy & sums of money to the Americans; but it wants confirmation. . . .

Farewell.

R. K.

R. KING TO R. SOUTHGATE.

"CAMBRIDGE, 17th Nov., 1776.

"MY DEAR SIR :

". . . My dependance rests upon you for supplies thro' my present education. I dont think I shall want far short of 100£. LM, to carry me fairly thro'. Without a very material change—I am determined to study Law—where, how, and with whom—uncertain. Would like to have my circumstances in the family way some how or other doing something towards forwarding my plan. In short, I want to know how I am—I am in my own mind fixed; what my patrimony is, I know not. . . ."

R. KING TO DR. SOUTHGATE.

"CAMBRIDGE, 8 March, 1777.

"MY DEAR SIR :

" . . . Many towns this way are reduced to great Distress, by reason of the Acts of the Genl. Assembly, stating the Prices of the necessaries of life. No Provisions brought to market. No Wood. In Boston three days past I saw numbers of Families removing into the Country—was told by a Gentleman acquainted with the Town's Situation that he imagined more than an hundred Families in the town were that day entirely destitute of Fuel, except such as they rummaged from the stores in Town. Those who were in Boston thro' the siege, say they never at any time were in a worse situation for Fuel or Provisions. The clamours of the populace are loud & must be attended to. By Information from Connecticut I learn they are in much the same Situation. God help them out of the mire in his own good time ! . . ."

"CAMBRIDGE, 26 June, 1777.

" . . . My present plan is to Study Law at Newbry. Port with Mr. Parsons—if my accounts were settled I should go there immediately. . . . Farewell,

"R. K."

"The Revolt of two or three of the Counties in Maryland, I suppose you heard of. They are, some say, 2000 strong—some more, others less—but all agree that they are a determined & resolute set of Fellows. They want the antient Government of Britain, being, as they say, tired of that of the Congresses of America. The Genl. Assembly of that State have given them 40 days to come in & lay down their Arms ; After the expiration of which time, all found in Arms are to be handled as Enemies. But it is supposed this will but furnish them with a term longer of time to get in a more agreeable state of Defence. A Virginia Brigade is ordered that way. Good luck to them !!! . . . His Excellency Genl. Washington narrowly escaped falling into the enemies' hands not long since ; at the head of abt. 100 horse he was reconnoiter-

ing the Enemies' situation, and met a scouting party of the Enemies horse of double the number. Washington left the Field : & his Party charged the Enemy, whilst his Excellency rode off.

"Yours,

"R. K."

R. KING TO R. SOUTHGATE.

"CAMBRIDGE, June 26, 1777.

"The horse I bought from you, I expect to sell. A pretty odd circumstance befell me, coming out of Scarborough. My horse was challenged as a stolen one belonging to Ipswich ; and upon examination finding marks and descriptions disagree, they insisted on it that the horse belonged to Mr. Lyde, who was banished the Town of Falmouth. It vexed me to find I was suspected to have a stolen horse or even the horse a Tory ever rode upon. But mankind mean well. I hope they will not have cause to be so suspicious of every face. Farewell.

"R. K."

R. KING TO R. SOUTHGATE.

NEWBURYPORT, Aug. 21, 1777.

MY DEAR SIR :

. . . I have received your letters and noticed their contents ; find them nearly what common report had before informed me. I am very sorry matters have taken this turn. It is what I was unprepared for. I have no consciousness of having myself conducted in a manner unfriendly to my country : Nor did I conceive my Friends in Scarboro had. But it is the Spirit of the Times. An honest zeal, or rather the zeal of a man who means to conduct uprightly and well is sometimes detrimental ; often injures the Cause it was meant to promote. I think in your, and my, circumstances it is unfortunate, to say no more, that we should feel the effects of this zeal which I hope is not mixed with any base and unmanly Passions. As it is, let us make the best of it. Innocence, says the Divine, always finds protection. It would have been better expressed by saying it ought always to find protection. With respect to myself, let the game go on ; I am

out of their power : and should the matter have been other ways circumstanced, I should have feared nothing from an honest unprejudiced jury. My heart tells me I have no grounds of fear. They must prosecute me as an inhabitant of Scarboro', which I am not. With respect to you and others make yourselves as easy as you can. Be seasonable in looking out for evidences of your generally friendly disposition to the country ; the cheerfulness of paying your Taxes ; your observations you have made in private companies ; your readiness to conform to the Rules and Laws prescribed by the Government, &c., &c. Everything in this way is evidence. I have letters of yours that may serve you. Not a single person has been convicted who had counsel. Mr. Parsons, with whom I am, thinks the above recommended conduct the best. He is a generous, liberal man, and bids me inform you, that should you be brought to trial, if Mr. B.'s character would hurt him as a Counsellor, or he should think it imprudent to appear in this, he will come and take upon himself your defence. But it is more than probable, that the matter will subside. . . . An unfortunate accident happened about ten minutes past. The Privateer armed ship Neptune owned by a Marine Society of this town, new off the stocks, sailed about an hour since from our bar, and about ten minutes since overset in the Bay, about 80 men on board. She was going round to Cape Ann.

R. K.

R. KING TO DR. SOUTHGATE.

NEWBURYPORT, 24 Aug., 1777.

MY DEAR SIR :

In addition to the ungrateful disposition of my Fellow Citizens which must give me pain, you mention the unhappy situation of our Family. It is inconceivable the uneasiness and anxiety I have experienced on this score. Early did I fear unfortunate consequences from my honored Father's Death. But indeed my fear never represented what I have experienced. Why the affairs are so circumstanced you as well can say as I inform. How to conduct I scarcely know : My plan is a daily one ; I content myself as well as I can from morning to evening, & so from day to day : You know my circumstances ; I must go thro' with my Educa-

tion ; if I can acquire that, and live to see peace, I am content. It would have been pleasing to me to have retained my Patrimony entire. But that is impossible ; I grasped some ideas for realities ; but the late transactions at Scarborough have determined me. Some plans I had in my mind respecting my settlement in your part of the country, founded upon contracted notions—prejudices. But I renounce them all. My Education I will have. My Patrimony I trust will be sufficient. The expense as now counted is high, is great. Board I pay high for ; clothes are scarcely to be bought. You say you are uncertain whether you can supply me as heretofore. I wish it may be in your power. I can't live in this place under £90. per annum. That I shall want quarterly—If you could not procure me that supply suppose Porter & you could do it between you. I could easily sell at this time, but I want not the money on my hands. . . . I write as if I expected no ill consequences from your being upon the list at Scarborough ; as in truth I do not. Fabyan, John A. Milleken, Moulton, &c, are your friends. Your Salt-petre making is a sufficient proof of your good wishes in favor of your country. Point the man in Scarborough who has done more than yourself to save your country. These matters would effectually clear a Person accused this way. Hope the Zeal of your countrymen does not overboil. Much Zeal maketh mad. Love to Friends.

Your affectionate,

R. KING.

R. KING TO R. SOUTHGATE.

Dec. 5. 1777.

DEAR SIR :

. . . I received a line from Dr. Porter with your last, wherein he mentions the affairs of our Family. That Mrs. King wants the division of the Estate completed and a final settlement. This has been a wish of mine for some time. The situation of the Family's interest has given me no small uneasiness, & had it been within my power to have happily altered it, certain I am it would not have remained in its unhappiness. Any plan being proposed that will effect the desired purpose and that I can prudently concur

in, I shall be ready to enter upon. I would hope Mrs. King has experienced the propriety of a division in the season past, her cares being lessened and probably her profits increased . . .

Must depend on your furnishing me with a quantity of wood, and lime in the latter part of this month. I engaged upon your word. Pray dont fail me. My expences are exceeding high ; I expect to pay seven or eight dollars a week for my board—Necessity has no law. I am embarked. Look back I will not. Dont know but I shall take the Highway for a short season & then commence Citizen again. In Vice or Virtue I am your friend—I wish never to be in the former.

Yours affectionately,

RUF. KING.

R. KING TO DR. SOUTHGATE.

Oct. 1, 1778.

DEAR SIR :

I determined to have given you a particular account of my Rh. Island expedition immediately upon my return, when the matter was fresh and talked of, but no opportunity presenting I delayed from day to day & now it is become an Old Story. I enjoyed fine health upon the Island and the scene was not disagreeable, to me ; I saw & experienced enough to satisfy my curiosity. . . .

Tell Polly [his sister] there is no such thing as fans to be purchased in this Town. Adieu.

R. KING.

R. KING TO DR. SOUTHGATE.

March 24, 1779.

DEAR SIR :

Yours by Col. Bagley came early to hand after the date, and gave the first information of the Death of our Grandmother ; good old Lady I doubt not that she made a beneficial charge. I believe she enjoyed her Life well, and this I think the fairest Presage of enjoying eternity. . . .

Affectionately,

R. KING.

R. KING TO R. SOUTHGATE.

" NEWBURYPORT, 1779.

" . . . Should be obliged to you to attend to the disposal of *my* hay to the best advantage. English hay is £36. here. I believe it will be much higher. Could you send me three or four hundred of those good for nothing paper dollars, you would enable me to pay some honest debts I owe. God bless you yours affectionately—tho' I have no money—and am in your debt,

"RUF. KING."

R. KING TO DR. SOUTHGATE.

NEUBY. PORT, 10-Sept., 1779.

DEAR SOUTHGATE :

. . . I think there is but a distant probability of a speedy peace. What will turn up is uncertain. This is certain. Great Britain never saw so gloomy an hour and so dark a prospect since her existence as a Nation. In former wars with France & Spain, Britain has fought and conquered them one after the other. They want the genius of Russel or Blake to command their Fleets ; their sea Commanders may be personally brave, but they are ambitious, jealous, & not inspired with the sagacity and comprehension of their ancestors. Their Land commanders are Debauchers and men ambitious of Fortunes & pleasure more than Fame & the Glory of their Nation. The immense Fortunes which the Land & Sea Commanders have extorted from the wretched defenceless East Indians, have proved a Fountain of Corruption that has poisoned the whole British Nation. I think their glory is in the wane & that her naval power is critically situated. If France & Spain can maintain a superiority in the British Channel, the nation would perish. The people of England live by commerce—this destroyed, the Nation is in distress. . . . Adieu.

R. KING.

R. KING TO DR. SOUTHGATE.

NEWBURYPORT, 8 Oct., 1779.

DEAR SIR :

. . . Report this day is that Count d'Estaing has arrived with his Fleet at Georgia, on board of which are 13,000 Troops :

he is said to be coming northwardly to sweep the Continent. My wishes are in that instance beyond my expectations.

God bless you.

R. KING.

R. KING TO R. SOUTHGATE.

"Sunday, NEWBURYPORT, Sep. 27, 1783.

"I wrote you not long since requesting you to adopt some method to convey Betsy [his sister, who had been at school in Boston afterwards at Newburyport] from this place to you, with the intention she should pass the winter with you. The time I proposed was the last of October. But this will be too early. Some friends of mine in Boston have the care of a small pox Hospital at Point Shirley in Boston ; the season is favorable to take the small pox, and from the frequency of that disease in Boston, especially this fall, I esteemed it a piece of prudence to embrace the opportunity of giving Betsy the small pox by inoculation. She was inoculated last Monday, and yesterday was in a very good way. Pray communicate this information to Mrs. King. I myself next week shall go to Boston and expect to continue there some weeks, at the General Court. Shall choose to keep Betsy with me upon her return from the Hospital for some time in Boston. Add to this I should not judge it safe for her to visit you green from the Hospital. . . .

"RUFUS KING."

Oct. 5, 1783, R. K. writes :

"Betsy was finely last Tuesday ; by this time hope she is over every hazard. Tomorrow I expect to see her."

JOHN HANCOCK TO RUFUS KING.

Tuesday Morning, 30th Sept., 1783.

DEAR SIR :

Judging it would not be disagreeable to you to be informed of your Sister's Health, I take the oppory. of Mr. Gill's Visit to your place, to Acquaint you that I last Eveng. came up from

Point Shirley, where my family is with my only child under Inoculation, & left your Sister in Mrs. Hancock's Room as well as you could expect; her Symptoms were such as undoubtedly would bring out the Small Pox in the course of last night. They are all in a fine way, & I dare say will have it very lightly. I carried your Sister down Sunday last week, in my Barge, with Mrs. Hancock, & Mrs. Hancock takes all the care she can of her.

I wish you happy & am your very humb. Servt.,

JOHN HANCOCK.

CHAPTER II.

Difficulties in forming the Confederation due to the Claims of different States to western Territories—Claims of Virginia—Finally yielded—New York sets the Example—Followed in the End by all Others—R. King appointed a Commissioner by Massachusetts to transfer her Lands to the United States—Land Law of 1784—Mr. Jefferson's Proposal against Slavery northwest of the Ohio—Land Law of 1785—Mr. King's Proposal to forbid its ever being permitted there—Correspondence with Mr. Pickering relative to this Law—Exclusion Provision not passed—Law passed.

After the Declaration of Independence, when the different States were called upon to make a Confederation for mutual support in establishing their rights and forming a general government, many of the States made claim to western territories, and, as in their acts of adhesion, the boundaries of these States were not specifically made a difficulty in ascertaining their limits was met with, which for some time threatened to prevent the formation of the Confederation. Many efforts were made to adjust this question, but failed, and the settlement was postponed from time to time, until the State of Virginia, in 1779, opened an office for the sale of unappropriated lands claimed by her. This act brought the whole matter before Congress again, and by a vote from nearly all the States present, Virginia was asked to reconsider their late act for opening a land office, and it was recommended to "the said and all the other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the war." * Congress not only remonstrated, but

* *Journ. of Congress*, i., 383.

sent an officer, Col. Brodhead, with a competent force to prevent intrusions—an act which in the next year was confirmed by resolving that the officer should be supported in any act or order which the nature of his service had made or might make necessary.*

This assertion of title on the part of Virginia attracted the attention of some of the States, which insisted upon an express stipulation in the Articles of Confederation by which they might be effectually secured from these unreasonable claims. The settlement was again postponed, until Rhode Island, New Jersey, and Delaware, three of the protesting States, under the pressure of the war, were induced to accede to the Confederacy, while Maryland instructed her delegates not to sign the articles till the pretensions of Virginia were relinquished.

Under these circumstances Virginia, without further action as to her claims, authorized her delegates to ratify the Articles of the Confederation, though some of the other States should refuse to do so, in which decision Connecticut joined her. Thus the Union was brought to the brink of destruction—divided as it was into two parts by the determination of the most central States not to accede to the Articles of Confederation so long as Virginia adhered to her claim, and Virginia pertinaciously insisting upon what she regarded as her rights; whilst the enemies of the country were exulting in the disorganization and distraction prevailing in the States and fondly expecting that the Confederacy was on the point of dissolution.

In this emergency New York led the way to the removal of the difficulties, by passing an act authorizing her delegates to limit and restrict the boundaries of the western part of the State in such manner as they should think proper; “to manifest their regard for their sister States, promote the general interest and security, and more especially to accelerate the federal alliance, removing as far as it

* *Journ. of Congress*, vi., 124.

depends upon them the sole impediment to its final accomplishment."

Virginia still asserting her claims, in a remonstrance to Congress against the instructions of Maryland to her delegates, a committee was appointed to consider the whole matter. Their report, on September 6, 1780, while stating the opinion that a discussion of the question would fail to bring about conciliation, recommended that Congress should "press upon those States which can remove the embarrassments respecting the western lands, a liberal surrender of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy." The report urges every possible consideration to bring about this result, "the indispensable necessity of the federal union, for public credit and confidence, for the support of the army," and the vigor of public measures, for "tranquillity at home," "reputation abroad," and "our very existence as a free, sovereign and independent people." It cites also the action of the New York Legislature, noted above, and offers a resolution directing a copy of the report to be sent to all the States, urging those "which have claims to western territory to give to their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of Confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles." *

This and a similar recommendation passed on October 10, 1780, and the example of New York produced the desired effect. In the same month Connecticut passed an act of cession, and on January 2, 1781, Virginia followed her example. Though neither of these acts was entirely satisfactory, they were at least indications of a conciliatory spirit, and Maryland, on February 2d, authorized her delegates to the Confederation to sign the

* *Journ. of Congress*, vi., 279.

articles; but declared, at the same time, that by this concession the State did not relinquish any right which she had with the other States to the back country, and relied upon the several States to do justice in this matter.

On March 1, 1781, her delegates ratified the Articles of Confederation, and those from New York executed a deed of cession to the United States of all her claims to territory west of a meridian line twenty miles west of the river Niagara and north of 45° of latitude.

The Articles of the Confederation were thus completed; but the terms of cession, on the part of Virginia especially, were far from satisfactory, and that State refused to produce the grounds on which her claims were based. Under these circumstances, an able committee of Congress, as appears in the *Journal* of May 1, 1782, after careful examination and earnest endeavor to remove this difficulty, reported resolutions recommending

“to Massachusetts and Connecticut that they do without delay release to the United States in Congress assembled all claims and pretensions of claims to the said western territory without any conditions or restriction whatever.

“Resolved, That Congress cannot, consistent with the interests of the U. States, the duty they owe to their constituents, and the rights necessarily vested in them as the sovereign power of the U. S., accept of the cession proposed to be made by the State of Virginia, or guarantee the tract of Country claimed by them in the act of cession referred to your Committee.” *

No final action was taken on these resolutions, and no advance was made towards an adjustment until, on September 13, 1783, the report of a committee of Congress was adopted, which—dissenting from the claim of Virginia that the United States should guarantee to Virginia all the territory southeast of the Ohio, included between the boundaries of Pennsylvania, Maryland, North Carolina, and the Atlantic, on the ground that such guarantee was either unnecessary

* *Journal of Congress*, vii., 363.

or unreasonable: unnecessary, for if the territory be really the property of Virginia, it is secured by the Confederation; and if not the property of that State, there is no consideration or reason for the guarantee—recommended that if Virginia would make a cession in conformity with the report, Congress should accept it. Virginia acceded to the suggestion, and on March 1, 1784, ceded to the United States its claim to the Northwest Territory upon the line and upon the terms prescribed in the above report. On April 24th the other States, which had not ceded their claims, were again urged to do so.

The Legislature of Massachusetts, in conformity with this recommendation, in November, 1784, authorized its delegates to cede to the United States, without condition, the title of that State to all territory west of the western boundary of New York. On the 3d of November, the State appointed Rufus King, who had just been chosen a delegate to Congress from that State, an agent, together with Mr. Holton, his associate, to make and execute a proper deed of cession of the aforesaid lands. This was done by those gentlemen, and accepted by the unanimous vote of Congress on April 15, 1785.

Among the acts of the Congress, on October 10, 1780, it was specified that the lands ceded to the United States by any of the States should be disposed of for the common interest of the United States, and should be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States; that each shall have a suitable extent of territory, not less than one hundred nor more than one hundred and fifty square miles; and that any necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war in subduing British posts, in maintaining posts or garrisons within, or for defending or acquiring any part of, the territory ceded to the United States, shall be reimbursed, and that these

lands shall be granted or settled on such terms and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

From this recital it will appear natural that the attention of Mr. King should be specially turned to the great importance of the question of the proper disposal of the public lands. He saw how great and dangerous an obstacle that question had proved to the establishment of the Confederation; he saw how earnest and repeated were the invocations of Congress to the States having claims to the western lands, to cede them for the common benefit of the United States; he saw how great and beneficial a step had been taken by New York, in being first to make such cession; and honored as he was, almost contemporaneously with his election to Congress, by the appointment as agent for the State of Massachusetts to make in her name the formal cession of all her claims west of New York, he could not but apply his faculties to the study and comprehension, in all its bearings, of this wide question. The sequel will show that he never lost sight of it, nor of any opportunity, within his reach, of giving such a solution of it as would most conduce to the general welfare.

As has been said, Mr. King took his seat in Congress on December 6, 1784, and on the 24th of the same month he joined with his colleague from Massachusetts and with the delegate from New York in nominating certain commissioners to constitute a federal court, in order to settle the conflicting claims of the two States to jurisdiction on what was known as the New Hampshire grants, now the State of Vermont.

On March 4, 1784, an ordinance for locating and regulating the sale of the public lands was reported and read a first time. On April 23, 1784, certain resolves of Congress on this subject were adopted, which were reported by a committee of which Mr. Jefferson was chairman, having for colleagues Mr. Chase of Maryland and Mr. Howell of

Rhode Island, and contained, when reported, this clause aimed prospectively against slavery: "that after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States (to be carved out of the western territory) otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty."

During the debate on these resolves it was moved by Mr. Read of South Carolina, and seconded by Mr. Spaight of North Carolina, to strike out this proviso; and the question being put in the form then usual, "Shall the words moved to be struck out stand?" there appeared but six ayes, and as the Articles of Confederation required seven, or a majority of the whole, they did *not* stand, and were consequently struck out. Every vote north of Maryland was in favor of retaining the proviso, and Mr. Jefferson himself and Mr. Williamson of North Carolina also voted in the affirmative, but in vain.* These resolves merely provided for the division of the territory into States to become States of the Union upon certain conditions, of being subject to the Articles of Confederation, having a republican form of government, renouncing all right to tax or interfere with the disposition of the public lands within their borders, etc., etc., but made no reservation of land for education or any other purpose.

When then on March 16, 1785, the consideration of a proper disposition of the public lands was resumed, Mr. King, seconded by Mr. Ellery of Rhode Island, moved the proposition: "that there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April 1784, otherwise than in punishment of crimes, whereof the party shall have been personally guilty, and that this regulation shall be an article of compact and remain a fundamental principle of the

* New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania voted Aye; New Jersey had but one representative present, and so lost her vote, though he was in the affirmative. Maryland, Virginia, and South Carolina voted No; North Carolina divided, and Georgia absent.

Constitutions between the thirteen original States and each of the States described in the said resolve of 23d April 1784."*

On the question of committing this ordinance, the yeas and nays being required by Mr. King, it was carried in the affirmative vote of every State north of Virginia (except Delaware, which was not present); the vote of Virginia, the two Carolinas and Georgia were against it.† The committee appointed were Mr. King, Mr. Howell, and Mr. Ellery, and on April 6th Mr. King reported back, in his own handwriting, his resolution materially changed from its original draft: "allowing slavery in the Northwest until the first day of the year 1801, but no longer," and it "provided that always, upon the escape of any person into any of the States described in the resolve of Congress of the twenty-third day of April, 1784, from whom labor or service is lawfully claimed in any one of the 'thirteen original States, such fugitives might be lawfully reclaimed and carried back to the person claiming his labor or service, this resolve notwithstanding.'"‡

The journals of Congress and contemporary history are entirely silent as to the final disposition of this report. It does not appear to have been called up again or acted upon, and an ordinance was passed for the disposal of the public lands without reference to slavery on May 20, 1785. In the discussion attending the passage of this ordinance, Rufus King took a constant and leading part, and if his anti-slavery proviso could have been brought up, it may be assumed confidently that it would have been. Owing possibly to the fact that the ordinance under consideration was

* The original motion of Rufus King for the reference, in his handwriting, is preserved in *Papers of Old Congress*, vol. xxi. MS.

† It is in the handwriting of Mr. King, and is endorsed by Charles Thomson: "Motion for preventing slavery in new States March 16, 1785. Referred to Mr. King, Mr. Howell, Mr. Ellery."

‡ Bancroft, *History of Constitution*, vol. i., pp. 179, 180; also note endorsed in the handwriting of Charles Thomson: "Mr. King, Mr. Howell, Mr. Ellery. Entered 6th of April, 1785, read. Thursday, 14th April, assigned for consideration."

merely and exclusively a regulation for the proper surveying of the lands and not for their political government, the introduction of such a proviso may have been deemed irrelevant; and this may seem the more probable as it was subsequently brought forward and adopted, in a modified form, in the famous ordinance of 1787, which was wholly devoted to the political organization and government of the territories, and had no reference to land sales.*

* The suggestion above made (it is from the notes of President King) of the reason which induced Mr. King to allow the proviso, reported back amended, to remain upon the table, may have been one which prevented its consideration; but, in the absence of any proof that it was the only reason, may not another be assigned. Earnestly as he had been urged by Mr. Pickering in his letters of the 8th March, 1785, to do something to prevent the extension of slavery into the Northwest Territory, and in view of the remark in his second letter, "But why do I expostulate with you who already see all the reasons on this subject in points of view more striking than I can make them," suggesting that the subject was not new to him, it cannot be supposed that he willingly suffered the question to rest. Mr. King's proviso contemplated the absolute and immediate exclusion of slavery from the Northwestern Territory—without any restriction. When this was discussed in the committee, and possibly outside, with a view to ascertain the prospect of the passage of such a clean proposition, it was probably found that it could not be carried, and Mr. King was obliged to accept the modifications, which entirely changed its character, and to report it back as the voice of the committee.

Having made his report, feeling that he had failed in his purpose, and that, if the measure were passed in that form, he would see engrafted upon the ordinance the essence of slavery in allowing it a temporary foothold in that free country, and in the enactment of the fugitive-slave clause taking the right from those who might escape into this territory, of trial, to ascertain their obligations,—a right belonging to every human being,—and consign them summarily back to slavery, he hesitated in urging such a proposition. As Mr. Merriam says in his pamphlet, *History of the Ordinance of 1787*, p. 13: "It will be noticed that the subject of private securities for persons and property, with which the final ordinance deals so fully, was wholly overlooked in the ordinance of 1784."

The Southern States, quick to see whatever might in the future affect slavery, probably thought that any restriction as to the character of the population which should inhabit those lands would prevent them from settling there with their slaves; and therefore intimated outside of the Congress that the naked proviso could not be adopted, and for that reason the measure was tabled. Indeed, it was upon this very issue that the admission of Missouri with slavery was demanded—the right to extend the institution into the common domain, *with its fugitive*—

But although not able as yet to engraft the principle of personal freedom on this western territory, or rather the absolute, immediate, and perpetual exclusion therefrom of slavery, Mr. King exerted himself diligently and successfully so to regulate the partitioning and surveying of this great dominion, and the reservation of liberal portions for uses and purposes which could not fail to promote its aggregate value as property, and, more important still, to simplify and

slave law—and that the war of the Rebellion was afterwards waged, resulting as it did in the abolition of slavery itself.

May it not be then that the conduct of Mr. King was controlled by such reflections and by what he then saw of the temper of the slave States, especially as no other motive of sufficient weight has been suggested.* For we find in the debates in the convention of North Carolina which finally adopted the Constitution of the United States, a speech of Mr. Iredell, † in which he says in reference to the 3d section of the 4th article, which relates to "persons held to service or labor in one State under the laws thereof escaping to another : "

"In some of the Northern States they have emancipated all their *slaves*. If any of our slaves," said he, "go there and remain there a certain time, they would by the present laws be entitled to their freedom, so that their masters could not get them again. This would be extremely prejudicial to the inhabitants of the Southern States; and to prevent it this clause is inserted in the Constitution. Though the word slave is not mentioned, this is the meaning of it. The Northern delegates, owing to their particular scruples on the subject of slavery, did not choose the word *slave* to be mentioned."

General Charles Cotesworth Pinckney, ‡ in the debates on the South Carolina Convention on the adoption of the Constitution, while stating strongly his opinions, "that while there was an acre of swamp land in South Carolina, they could not do without slaves," and that at the same time every effort had been made to procure the passage of the clause, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808," etc.

"By this settlement we have secured an unlimited importation of negroes for

* James C. Welling, LL.D., in his paper "On the Land Politics of the United States," read before the New York Historical Society, May 1, 1888, in a note, page 25, suggests this same solution of the action of Rufus King in not calling up the resolution about slavery reported by the committee on 6th April.

"Though the resolution is preserved in the handwriting of Rufus King, his well known views on the subject of slavery make it probable that he was overborne in the committee by his two colleagues, and that for this reason he was little inclined to press for the adoption of the regulation in its altered shape."

† Elliot's *Debates*, iv., 176.

‡ Elliot's *Debates*, iv., 236.

secure the title of its future inhabitants, and to encourage and provide means for their moral and religious training. He carefully watched the bill throughout its whole progress, and, as appears by the letters we are able to give, entered into an extended correspondence with Colonel Pickering, still attached to the army, and whose habits, experience, and education qualified him, as will be seen by his letters, to give wise counsel in the premises.*

Mr. Pickering had before him the ordinance reported on the 23d April, 1784, for regulating the survey and sales of the western territory, which ordinance differs essentially from that subsequently adopted on 20th May, 1785, and in nothing more than in the divisions it proposed of these lands. Under date of 8th of March, 1785, Col. Pickering thus writes to Rufus King, in Congress in New York :

"I write what occurs to me on examining the proposed ordinance and a general consideration of the subject. The first paragraph orders the manner of dividing each new State : but it seems to me it will be found impracticable. Each hundred is to be ten miles square, and each mile to consist of 6086 feet ; yet the lines making the eastern and western boundaries are to be true meridian lines : but meridian lines converge as you increase latitude ; and to such a degree that if you take any meridian, say at the 39th degree of lati-

twenty years. Nor is it declared that the importation shall then be stopped ; it may be continued. We have a security that the general government can never emancipate them, for no such authority is granted ; and it is admitted on all hands that the general government has no powers but what are expressly granted by the Constitution, and that all the rights not expressed were reserved by the several States. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have done better if we could ; but, on the whole, I do not think them bad."

* These letters were written in consequence of a suggestion from Mr. E. Gerry, who had sent to him "the draught of an ordinance for ascertaining the mode of locating and disposing of lands in the Western Territory," and asked him "to communicate to you (R. King) such thoughts on the subject as may be judged to have a beneficial tendency."

tude, and on that parallel set off ten geographical miles (= 60860 feet) from such meridian, and then proceed northward to the 45th degree of latitude, and then from the same meridian set off the like number of ten geographical miles, their extremity will be about 1800 feet beyond the meridian of the like extremity at the parallel of 39°. I am aware that mathematical accuracy in actual surveys may not be expected; but a difference of 600 yards in ten miles must surely produce material errors."

The letter suggests several verbal alterations in the ordinance, as well as some additional guards for the interest of the public as well as for future settlers:

"In that Western Country are various articles essential to the future inhabitants; but the most important is Salt. The person, already acquainted with it, will certainly seize on all the licks and salt springs, and make monopolies of them. Some at a great distance, or who may be less attentive to their interests, and regardless of the common good, may neither manufacture salt themselves, nor suffer others to do it. This will be the very dog in the manger. Others will extract from the settlers what sums they please for an article so indispensable. To prevent this intolerable evil, will it not be expedient for Congress expressly to reserve every salt spring and lick with a certain number of lots around it, well wooded and sufficient to supply the salt works which shall be erected with fuel for any length of time, which shall be thought necessary? These works to be erected under some prudent regulations which shall most conduce to the common benefit of the inhabitants. Perhaps coal and lead mines may deserve a like consideration."

"Water communications in that country will always be in the highest degree interesting to the inhabitants. It seems very necessary to secure the freedom of navigating these to all the inhabitants of all the States. I hope we shall have no Scheldts in that country. . . .

"There is one article in the report of the committee on which that act (of 23d April 84), was made, which I was extremely sorry to see was rejected. The committee proposed that after the year

1800, there should be no slavery in the new states. I hardly have patience to write on a subject, in which what is right is so obvious and just, and what is wrong is so derogatory to Americans above all men ; so inhuman, so iniquitous in itself."

In another long letter of the same date, so great was the interest taken by this pure and patriotic man in the right disposition of a question which concerned so largely the welfare of future millions, Mr. Pickering, after pointing out additional errors of detail, as he viewed them, thus proceeds :

"In looking over the Act of Congress of the 23d of April 1784 (Mr. Jefferson's act) and the present report of an ordinance relative to these lands, I observe no provision is made for ministers of the Gospel, nor even for schools and academies. The latter might have been brought into view ; tho' after the admission of *Slavery*, it was right to say nothing of *Christianity*. Yet so glaring an inconsistency could not have occasioned much surprise. It is easy to be inconsistent. Congress made this important declaration 'that all men are created equal ; that they are endowed by their Creator with certain inalienable rights, and that among these are *life, liberty* and the *pursuit* of happiness,' and these truths were held to be self evident. These great truths are echoed through the U. S., nevertheless a proposition for preventing a violation of these truths in a country yet unsettled and from which such violence might easily have been excluded, did not obtain ! What pretence (argument there could be none) could be offered for its rejection ? I should indeed have objected to the period proposed (the year 1800) for the exclusion of slavery, for the admission of it for a day or an hour ought to have been forbidden. It will be infinitely easier to prevent the Evil at first, than to eradicate or check it at any future time. How would Congress wish the new states to be settled, by slaves or by freemen ? Take any given period, say 50 years—Will those States in that time have more acres of improved land by the admission than by the exclusion of slaves ? In respect to population and improvement, compare Pennsylvania with Maryland and Virginia, par-

ticularly the latter. But why do I expostulate with you who already see all the reasons on this subject in points of view more striking than I can place them? Forgive me if my solicitude to prevent the greatest of evils has rendered me prolix. To suffer the continuance of slaves until they can gradually be emancipated in States already overrun with them may be pardonable, because unavoidable without hazarding greater evils; but to introduce them into countries where none now exist, countries which have been talked of—which we have boasted of—as an asylum to the oppressed of the Earth—can never be forgiven. For God's sake, then, let one more effort be made to prevent so terrible a calamity. The fundamental constitutions of the States are yet liable to alterations, and this is probably the only time when the evil can certainly be prevented."

It may not be doubted that the earnest wisdom of these letters was appreciated by him to whom they were addressed; for within a week of their date, viz. the 16th March, 1785, as has already been stated, R. King introduced his proposition for the immediate and total and absolute exclusion of slavery from the Northwestern Territory. On the 15th of April Mr. King thus acknowledges the letters of Mr. Pickering:

"Dr. SIR:

"The best return in my power to make to you for your ingenious communications on the mode of disposing of the Western Territory, is to enclose for your examination the form of ordinance reported to Congress on the subject (that of the 14th of April). You will see thereby that your views have had weight with the Committee who reported the ordinance, and I have only to add that I shall hold myself particularly obliged by you for these communications on the subject. I likewise enclose you the report of the Committee on a motion for the exclusion of slavery from the new States. Your ideas on this unjustifiable practice are so just that it would be impossible to differ from them."

In acknowledging the receipt of this letter, under date of Philadelphia, 30th of April, Mr. Pickering, referring to the

copy of the ordinance, speaks again of his remarks on the apparent impracticability of the direction for making the surveys in exact squares: "but perhaps such accuracy was not intended by the words 'the surveyors shall divide the said territory into townships of — miles square,' and it is only expected that the townships should be as nearly square, as the taking of meridians for east and west lines would admit." He refers to other suggestions in his former letters, and concludes: "Upon the whole, Sir, you will naturally suppose the report will meet with my approbation—if for no other reason, because the principles of it coincide with the ideas I had previously conceived and communicated to you."

The ordinance was finally passed on the 20th of May, 1785, with some other modifications. As originally presented, the section of land immediately adjoining and to the northward of "that reserved for school purposes in each township was to be for the support of religion; the profits arising from each to be applied forever according to the *will of a majority of male residents* of full age within the same."

A long struggle took place on the one part to preserve, and on the other to strike out the provision for religion; R. King contending for its preservation, but unsuccessfully. On the motion to strike out made by Mr. Ellery, of Rhode Island, and Melancton Smith, of New York, New Hampshire, Massachusetts, Pennsylvania, Delaware, and Virginia voted aye to retain it. New York and North Carolina were divided, and Connecticut, South Carolina, and Georgia, having each only one member present, each voting aye, but ineffectually. Rhode Island and Maryland were the only States that voted no. The requisite number to carry the measure, seven States, not being obtained, the provision was lost. Mr. Johnson of Connecticut, seconded by Mr. King, then sought to set aside the section "for charitable uses"; but for this only four States, New Hampshire, Massachusetts, Delaware, and Virginia, voted, and the section passed shorn of its provision for either religious or charitable pur-

poses. Possibly harm might have resulted from thus endowing religion, for it would have been difficult to settle the mode of application of the fund ; for the exceeding sensitiveness which characterizes all sectarian discussions would possibly have prevented such a provision as was originally reported into a bane rather than a help to true religion.

With reservations as to lead mines and salt springs, the ordinance was framed and passed, and laid the foundation of the admirable system which has ever since prevailed over the enormous territorial limits to which our Union has been extended, and which introduced and has maintained method, order, and certainty as to title and boundaries, so as to render litigation impossible.

CHAPTER III.

Rufus King spoken of as Ambassador to The Hague—Massachusetts' Resolution relative to the Appointment of Members of Congress to Offices in the Gift of Congress—Letters between Rufus King and Timothy Pickering—Want of Power in the Confederation to regulate Trade or raise Revenues.

Various changes in the diplomatic representation in Europe took place during this session of Congress. Benjamin Franklin, who had long been the Resident Minister in France, asked urgently for permission to return home, which was accorded to him on the 7th of March, 1785; and on the 10th, on motion of Mr. Howell, of Rhode Island, Thomas Jefferson was unanimously chosen to succeed him. On the 24th of February, John Adams, the Minister at the Hague, was transferred as Minister to London, and on Monday, 7th of March following, Mr. King, seconded by Mr. Pinckney, of South Carolina, moved that a successor to Mr. Adams at the Netherlands should be chosen. An appointment was not then made, but on the 23d of June Mr. Wm. Livingston was chosen, and he having declined, Mr. John Rutledge on the 5th of July was selected, but declined on the 4th of August. There was no subsequent election, though in May, 1786, a motion was made to proceed to one, and the decision postponed. This is mentioned here in order to connect it with a rumor, which I have not been able to verify or disprove, that Mr. King was talked of for the post in the course of the winter of 1785-6. His early and constant friend, Christopher Gore, of Boston, thus writes to him on the 5th of February, 1786:

"We have a report here, my good friend, that you are going as Ambassador to the Hague. If promotive of your honor and felicity, I sincerely wish it may be true: that it would be greatly beneficial to our country, we are all convinced. Therefore, as citizens of America, we are anxious to have it confirmed."

Upon what particular suggestion, or to meet what particular case, I know not, but on February 18th it was resolved, Mr. King voting in the affirmative, that the commission of every foreign minister or chargé should be deemed to terminate at the expiration of three years from its date. This provision was contested on the ground that Congress always had reserved its power of recalling at any moment any foreign minister or agent, and therefore that there could be no necessity for such a limitation of choice when all held during pleasure. The motion nevertheless prevailed; all the eastern and middle States voting for it.

The attendance of the delegates was at this time, and indeed at all times, exceedingly irregular, and frequently States were for weeks and months together unrepresented. It is to be noted, and a characteristic early exhibited and never departed from in Mr. King's public career, that he was always at his post, and very often the only delegate from his State.

Although Mr. King did not succeed in engrafting upon the general land ordinance the provision for aid to religious purposes, he seems to have been more successful in a bill for the sale of a large tract of land in Ohio in July, 1787; for in the report which was adopted 23d July, made by a committee consisting of Mr. Carrington, Mr. King, Mr. Dana, Mr. Madison, and Mr. Benson, specifying the extent, boundaries, and terms of sale of the tract of land sold to what was known as the Ohio Company, the lot No. 16 is expressly reserved for school purposes, and "lot No. 29 in each township, or fractional part of a township, is to be given perpetually for the purposes of religion." A like reservation was made in a patent subsequently granted for another large tract in Ohio to John Cleves Symmes. Yet another and

more liberal provision for educational purposes was made in the grant to the Ohio Company, "of not more than two complete townships to be given perpetually for the purposes of a university—to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the Legislature of the State." These reservations were gifts of the United States and were paid for by the purchasers.

The State of Massachusetts, always thoroughly Republican and therefore distrustful of delegating power, in May, 1785, instructed her delegates to endeavor to procure from Congress a resolution that no member of the body should, during the term for which he was elected, be appointed to any office in the gift of Congress. "The world," say these instructions, "cannot but admire the prudence and wisdom, which by providing for a rotation of members of Congress, fixed one important barrier against corruption; but the Legislature of this Commonwealth observes with concern and regret that no provision is made to prevent the members of Congress from appointing themselves to offices; and it requires no very great share of sagacity to foresee that unless this point is more effectually guarded, the offices of the federal government may hereafter be filled with men who will not be the most capable of serving the people, or most remarkable for their integrity; and that some persons, forsaking the true interests of their country, will take corrupt measures to become members of Congress, with a view to possess themselves of lucrative employments, whereby offices in themselves unnecessary may be created and multiplied, and the injured fabric of our federal government overthrown by the same means that have been employed in prostrating those extinct republics, which are seen no more but in the pages of history. The Legislature of the Commonwealth therefore instruct you," etc., etc.*

* How signally the suggestions of this resolution were founded in truth, the history of the country, and especially in latter years, shows the far-seeing sagacity of the founders of the Republic in their endeavor even in a special case to avert an evil so great and so dangerous to free institutions.—ED.

In conformity with the instruction, the delegates in attendance, Dr. Holten and Mr. King, moved that it be "Resolved, that the election and acceptance of any person as a member of Congress, shall forever hereafter be deemed to incapacitate and disqualify such person from being elected by the United States in Congress assembled, to any office of trust or profit under the said States, during the term for which he shall have been so elected a member of Congress." The yeas and nays being required by Mr. King, the proposition was *unanimously* committed, and *was heard of no more*.

This restriction under the Articles of Confederation when the whole executive power, as well as the legislative was in the hands of Congress, seems not unreasonable. But though it has often since been suggested as advisable in our present Constitution, which separates completely the executive and legislative branches, it is not probable that any Congress will consent thus to disqualify its members, or to advance farther on the way of security against the corruption of their own body, than in the existing provision of the Constitution, which forbids the appointment of a member of Congress to a civil office created, or of which the emoluments shall have been increased, during the time for which he was elected, and disqualifies all persons holding office under the United States from being a member of either House.

It is not out of keeping with this subject to introduce an example of how little need there would seem to have been at that day for guarding the integrity of official persons or of those who might become such, by laying before the reader the following correspondence :

/ R. KING TO T. PICKERING.

" N. Y., May 8th, 1785.

" DEAR SIR :

" When Congress accepted the cession of western territory from Virginia, they engaged to reimburse Virga. the amount of her expences in protecting the lands ceded, during the late war.

A Commissioner is to be appointed by Congress, another by Va., and a third by the two first, who, or a major part of whom, are to ascertain the sums to be reimbursed as aforesaid. If your engagements are such as would permit your acceptance of the appointment under Congress, it would give great satisfaction to a number of your friends and remove an apprehension, that at present obtains, that the U. S. are in danger of being charged with a very enormous sum to defray the expence of Genl. Clark's Expedition against the Kaskaskias. It may require three months or more to execute the business ; the salary is at the rate of \$1500, the year, and authority to employ as many clerks as may be necessary at \$500, the year. The pecuniary consideration I am sensible cannot be an inducement, but the opportunity of essentially serving the U. S. will be a powerful motive."

T. PICKERING TO R. KING.

"PHIL., 12th May, 1785.

"I have been honored with your letter of the 8th. My engagements are incompatible with the service, in which you suppose a number of my friends might wish me to be employed. It is obviously of material consequence to the U. S., and I am persuaded the apprehension you entertain is but too well founded."

Mr. Pickering was then busily occupied in closing up and settling his accounts as Quarter-master-General ; which office was shortly afterwards abolished (with the consent, if not upon the suggestion of Mr. Pickering) and its duties transferred to the Secretary of War. Concerning this office Mr. Pickering wrote to Rufus King on June 1st :

"In respect to the Q. Master's department I reply, that as soon as other provision shall be made for performing the few occasional duties required of it, it may be abolished. More than a year ago, I proposed to some gentlemen that these duties should be given in charge to the Secy. of War."

Subsequently Col. Pickering thus stated his wish to be a candidate for the office of Treasurer :

PHIL., 9th June, 1785.

DR. SIR :

I have heard that the Treasurer's office is likely to become vacant. If such vacancy should happen, I shall then be willing to stand a candidate to supply it, if there is a prospect of obtaining an election. But for this, I do not mean to become a solicitor. If there be several candidates, let him who is equal to the duties of the office and at the same time most deserving of the confidence of the country be elected.

The office of Treasurer would coincide with my views as much as the temporary office you lately mentioned would divert me from them. The salary I know is small compared with the pay of persons in the first offices of the government ; but on the other hand a stricter economy will be admissible without the hazard of reproach for frugality. Though personally we are scarcely known to each other, yet I hope you will think the correspondence with which you have honored me, sufficient to authorize me to make this communication. I am respectfully, dear Sir, your Most Humb. Servt. T. P.

Mr. King's reply is not less characteristic or delicate ; it is of the 17th of June. After stating that the Treasurer would be obliged to remove from Philadelphia to New York, or resign, he goes on to say :

"Should the latter event happen, I do assure you that my duty could not be more faithfully discharged in the appointment of a successor than by aiding your election. An opinion which, previous to the receipt of yours by Doct. Craigie, I had given touching the conduct of Mr. Hillegas, had drawn upon me the imputation of wishing him a successor, and at this time prevents my sounding the opinion of gentlemen on your subject. Should Mr. Hillegas resign, or be dismissed, I shall be at liberty to pursue my wishes and your interest."

Mr. King's course in Congress seems to have been very acceptable to his constituents, as testified by his re-election,

of which we find this notice in a letter from Elbridge Gerry, dated Boston, 16th June, 1785 :

“MY DEAR KING :

“The Legislature this day proceeded to the choice of delegates. Four only out of five were elected on the first ballot, you had the highest number of votes, Gorham next, Sedgwick and Dane lowest. Mr. Hancock was the highest on the list of non-elect, and by a second ballot was appointed.”

The same letter adds :

“I received your land ordinance. I think it complete, except the price which is 100 per cent. too much in my opinion.”

Yet the price was only *one dollar* per acre.

The great defect of the Confederation, the want of power to regulate trade, or raise a revenue (independently of State action or inaction), pressed heavily upon this Congress. The mode of levying upon each State its proportion of the common charge, and issuing therefor a requisition on the State was, now that the pressure of war had ceased, inoperative. The requisitions were either not complied with at all, or complied with tardily and partially. An effort was made by a committee, of which Mr. King was a member, to procure the passage of a law vesting in Congress (July 13, 1785) the power of regulating trade. But it failed and on the 18th, the General Committee (Mr. King being the member from Massachusetts) made a report on the supplies needed for the year 1785, and apportioning the amount among the States. At this day it may almost excite a smile to state that the whole expense of the federal government, including Congress, Indians, diplomatic service, army, and the marine, was only four hundred thousand five hundred and fifty-five dollars. The sum to be levied for the year, however, was *three millions*, two and a half millions being for interest on the foreign and domestic debt entailed upon the country by the war.

Small as was the amount apportioned to each State, it was not forthcoming on the requisition; for at the very time that these new estimates and demands were voted, more than half the requisition of the previous year for eight millions was unpaid, and this new requisition was in fact only a call for three fourths of what was already due. This evil continued and increased; happily, we may now say, to such a degree as to produce that universal conviction of the inefficacy of the Articles of Confederation which led to the adoption of the present Constitution.

Mr. King's active participation in the leading business of Congress is evinced by the fact that his name recurs either as member of the various committees, to which were referred from day to day the topics of interest, or as discussing them when presented for the action of the House. On his motion the Board of Treasury was instructed (19th August) to prepare an ordinance fixing the standard of weights and measures throughout the United States, a measure not effectually accomplished till nearly forty years afterwards. He was also, with Mr. Pinckney of South Carolina, earnest in pressing a call upon the State Legislatures to respect and protect the immunities of foreign ministers. Whether the matter in hand were domestic or foreign, his vigilance seems to have been ever on the alert, and his punctuality of attendance exemplary, when so much negligence in that respect was common.

CHAPTER IV.

Unsettled Condition of Foreign Trade—Massachusetts' Resolutions about it—Letters to the Deputies in Congress—Their Answers to Gov. Bowdoin—Rufus King's Statement why they took no Action on the Resolutions—Letter of Nathan Dane about the Resolutions.

The conclusion of the Treaty of Peace with England, acknowledging our independence as a nation, left unsettled the terms of our foreign trade with the Powers of Europe, a condition of things which was sure, sooner or later, to cause embarrassment and trouble in the different parts of the Confederation, as each State claimed for itself the right to regulate this important business in accordance with what it deemed its own peculiar interests. There was no controlling power in the Articles of Confederation to authorize the Congress to compel obedience to any laws they might pass; and the only remedy appeared to be in some way to give Congress larger powers, which could only be done by general consent. (Early in April, 1785, the merchants in Boston met and, among other resolutions adopted, ordered a petition to be presented to the Legislature, reciting the embarrassments of the foreign trade, and urging them to instruct their delegates in Congress to endeavor to obtain early action for the regulation of this business.)

(In consequence of these suggestions, towards the end of May, Governor Bowdoin called the attention of the Legislature to the serious troubles in the foreign trade, pointing out the fact that though the evil was felt by all, many of the States were unwilling to grant full power to Congress, from fear of an entrenchment upon their reserved rights; that the settle-

ment of this trouble would demand some new power to be given to Congress, and that this could only be obtained by a meeting of delegates from each State assembled in convention. On the 1st of July the General Court of Massachusetts, after a full discussion, passed a series of resolutions, as follows :

“ *Resolved*, That it is the opinion of this Court that the present powers of the Congress of the United States, as contained in the Articles of Confederation, are not fully adequate to the great purposes they were originally designed to effect.

“ *Resolved*, That it is the opinion of this Court that it is highly expedient, if not indispensably necessary, that there should be a Convention of Delegates from all the States in the Union at some convenient place, as soon as may be, for the sole purpose of revising the Confederation and reporting to Congress how far it may be necessary to alter or enlarge the same.

“ *Resolved*, That Congress be and they are hereby requested to recommend a Convention of Delegates from all the States at such time and place as they may think convenient, to revise the Confederation and report to Congress how far it may be necessary in their opinion to alter or enlarge the same in order to secure the primary objects of the Union.” *

Gov. Bowdoin, on the same date, addressed a letter to the delegates in Congress, with a copy of the resolutions, covering letters to the President of Congress, and to the governors of each of the States, calling their attention to the condition of affairs, and to the resolutions of Massachusetts, and urging the co-operation of the governors in carrying out the views of those resolutions, when adopted and recommended to them by Congress. These documents reached the delegates in Congress, Messrs. E. Gerry, S. Holten, and R. King, only on the 1st of August, as appears by the following letter of the 18th of August from the Delegates in the handwriting of Mr. S. Holten. *

* *Mass. Leg. Doc.*, vol. xxiii., p. 260.

NEW YORK, 18th Aug., 1785.

SIR :

We have received your Excellency's letters under date, Aug. 1, the 11th, the 18 & 28. July, and of the — August, with the enclosures they severally refer to : these dispatches have been disposed of conformably to the sense of the Legislature as communicated by your Excellency, except in the instance of the resolves recommendatory of a revision of the articles of confederation & perpetual union between the states : at the time we received these resolves, Congress had, & still have, under deliberation propositions to remedy the commercial embarrassments experienced in many of the states : the prevailing opinion discovered in the progress of deliberation gave us no cause to expect an adoption of the plan proposed by the Legislature in the resolves referred to ; we ourselves considered the object & extent of these resolves as highly important. We have delayed any communication with Congress upon this subject with an intention to state to your Excellency our sentiments upon the probable tendency & consequences of the measure should it be adopted by Congress, and acceded to by the States. We are sensible that our duty points out a prompt and exact obedience to the acts & instructions of the Legislature, but if a case arises wherein we discover most clearly consequences so fatal, that had they been known, perhaps the measure adopted would not have been proposed, it may not be improper to delay a final execution untill we have the instructions of the Legislature after such pernicious consequences of the measure shall have been submitted to their examination. But this may be a questionable opinion, we will therefore ask the advice of the supreme executive concerning it ; and that they may truly know our situation, we will fully communicate our sentiments on the plan proposed for a revision of the Confederation. The business of Congress requires so great a portion of our time, that hitherto we have not been able to make this communication, but it shall be transmitted to your Excellency by an early post.* With the most perfect con-

* Within the folds of the letter is this by the Clerk : " Your letter was communicated to ye Council, but it was apprehended the advise, thus requested, was meant by our Delegates to be given after they should write their sentiments on ye subject ; and their letter of ye 3rd Sept. containing those sentiments,

sideration & respect, we have the honor to be your Excellency's most obedient servants,

E. GERRY, S. HOLTEN, R. KING.

HIS EXCELLENCY, GOV. BOWDOIN.

On the attested copy of the letter of Governor Bowdoin to Gov. Richard H. Lee which had been sent to the Massachusetts delegates, there is in R. King's handwriting the following endorsement:

"Resolutions of Mass. of July, 1785, for calling a federal convention to revise the Confederacy. These resolutions with the circular letters to the Governors of the several States were transmitted by Gov. Bowdoin to the Mass. Dels. in Congress, viz, Gerry, Holten & King, who doubting the expediency of the measure, suspended it till the next session of the Genl. Court, wrote to them (3rd of September) their reasons for their conduct, and the Genl. Court resolved that the same should be suspended until further notice."

His second letter of the 3d of September, which, as we find by the clerk's memorandum, did not reach the Governor until after the General Court adjourned, contained a carefully prepared and able statement of the reasons why the delegates were induced to suspend their action, placed as they were in the daily intercourse of those who would have to decide upon this question, and with whose general opinions they would be familiar. As this letter is important it is here given in full as taken from a copy in Letter Book viii., pp. 210-213, in the office of the Secretary of State of Massachusetts, the original not being found.

NEW YORK, 3d Septemr., 1785.

SIR :

We have deferred a communication of the reasons which urged us to Suspend the delivery to Congress, of your excellency's letter which they desire might be laid before the General Court, the Council could not consider, as there was no meeting of ye Council after ye receiving of that letter."

to them for revising & altering the Confederation, & to each of the executives of the States, on the same Subject, in expectation of an answer to the Letter, which we had the honour of addressing to you the 18th of August last : but lest any inconvenience should result from a longer delay, we now beg leave to Suggest our Sentiments on the Subject.

It may be necessary previously to observe, that many are of opinion, the States have not yet had experience sufficient to determine the extent of powers vested in Congress by the Confederation ; & therefore that every measure at this time, proposing an alteration is premature. But admitting the necessity of immediately investing Congress with more commercial powers, it may be expedient to enquire.—First—Whether good policy does not require, that those powers Should be temporary?—in determining this question, we are led to consider, the commercial evils to be remedied : the efficacy of temporary powers for this purpose : & the disposition of the Several States touching the Subject—the evils principally consist, in the impositions, restrictions, & prohibitions, of foreign powers on our commerce ; & in the embarrassments resulting from the commercial regulations of our own States.—How far temporary powers can remedy these evils, perhaps time & experience, can only determine. Thus much may nevertheless be Suggested, that as the several treaties, which are now negotiating by our Commissioner in Europe, are not to exceed the term of fifteen years ; if the commercial powers to be vested in Congress should be of a similar duration, they may remedy the evils for that term : & at the expiration thereof, a new commercial Epoch,—will commence, when the States, will have a more clear & comprehensive view of their commercial interests, & of the best means for promoting the same, whether by treaties abroad, or by the Delegation & exercise of greater commercial powers at home—Whatever the disposition of the States may be, it can only be known by their Acts : but the different views which they have had of the Subject, give reason to Suppose that some Legislatures will think temporary commercial powers eligible under present circumstances ; & should this be the opinion of but one, an attempt immediately to delegate perpetual commercial powers, must fail, & may prevent a delegation of temporary powers—for in politics

as in private life by aiming at too much, we oft times accomplish nothing.

Secondly—If the States are unanimously disposed to encrease the commercial powers of the Confederacy ; should not the additional powers be in the first instance temporary ; & the adoption of them as part of the Confederation depend on their beneficial effects?—this is a question on which we propose not to venture a decided opinion ; but experience teaches us, that in the formation of Constitutions & Laws, the wisest men have not been able to foresee the evasions & abuses which in the operation have resulted from vague terms & expressions, latent inconsistencies, artful constructions, & from too full & unguarded a delegation of powers.

Whether the subject of commerce, & the danger to which the States may be exposed by a Surrender to the Union of their commercial authority, are so fully understood as to justify the consideration of an immediate attention of the Confederation, is a matter that the Legislatures alone are competent to determine—any of them, who may not be clear with respect to either of those points will probably (as in the other case) be in the first instance in favour of temporary commercial powers, & if approved by experience, of adopting them as part of the Confederation. But Should all the States be in favour of an immediate alteration of the articles, will it not be expedient for them previously to consider, that however great the abuse of this trust may hereafter be ; however grievous to a considerable part of the Union ; the powers once delegated in the Confederation cannot be revoked without the *unanimous consent* of the States—that *this* may be earnestly Sought for, but never obtained—that the federal & State Constitutions are the great bulwarks of liberty,—that if they are Subject, on trivial or even important occasions, to be revised, & re-revised, altered & re-altered, they must cease to be considered as effectual & Sacred barriers ; & like land marks frequently changed will afford no certain rule for ascertaining the boundaries, no criterion for distinguishing between the rights of Government & those of the people.—& therefore that every alteration of the articles, should be so thoroughly understood & digested, as scarcely to admit the possibility of a disposition for a reconsideration.

Thirdly—Shall any alteration, either temporary or perpetual be proposed in a way not expressly pointed out by the Confederation?—the thirteenth article provides “that the articles of this Confederation shall be inviolably observed by every State & the Union shall be perpetual; nor shall any alteration, at any time hereafter be made in any of them, unless Such alteration be agreed to in a Congress of the United States & be afterwards confirmed by the Legislature of every State.”

Here no provision is made for or against a convention & therefore it may be said not to be inconsistent with this article; but as the proceedings of a convention, would not be binding on Congress should the latter think themselves under the necessity of rejecting the report of the former, would not the States after having thus incurred a considerable expence be dissatisfied on the occasion? would not the members of the convention who it must be Supposed would be men of the first abilities and influence in the Several States, be hurt & opposed in this instance to Congress?—and would not parties in the Legislatures, and amongst the people, be the consequence?—if so may not an apprehension of these evils, have a tendency to influence some members of Congress to give up their opinion respecting the report, rather than to be considered as pertinacious, & involved in contentions? And if such are the prospects of a Convention, will not Congress consider it as being contrary to the Spirit of the Confederation? indeed, we are doubtful, whether, a measure of this kind would not be viewed as manifesting a want of confidence in Congress, & on this ground meet their disapprobation.

Fourthly—If an alteration, either temporary or perpetual, of the commercial powers of Congress, is to be considered by a Convention, shall the latter be authorized to revise the confederation *generally* or only for express purposes?—the great object of the revolution was the establishment of good Government, & each of the States, in forming their own, as well as the federal Constitution, have adopted republican principles.—notwithstanding this, plans have been artfully laid, & vigorously pursued which had they been Successful, we think would inevitably have changed our republican Governments into balefull Aristocracies. Those plans are frustrated, but the same Spirit remains in their abettors: And the institution of the Cincinnati, honourable & beneficent

as the views may have been of the Officers who compose it, we fear, if not totally abolished will have the same fatal tendency. What the effect, then may be of calling a Convention to revise the Confederation generally, we leave with your Excellency & the honourable Legislature to determine. We are apprehensive & it is our duty, to declare it, that such a measure would produce thro'out the Union, an exertion of the friends of an Aristocracy to Send members who would promote a change of Government : & we can form some judgment of the plan, which Such members would report to Congress.—but Should the members be altogether republican, such have been the Declamations of designing men against the Confederation generally : against the rotation of members which perhaps is the best check to corruption.—And against the mode of altering the Confederation, by the unanimous consent of the Legislatures, which effectually prevents innovations in the articles, by intrigue or Surprise, that we think there is great danger of a report which would invest Congress, with powers that the honourable Legislature have not the most distant intention to delegate ; perhaps it may be said, this can produce no ill effect ; because Congress may correct the report however exceptionable, or if passed by them, any of the States may refuse to ratify it—true it is, that Congress, & the States have such powers—but would not such a report affect the tranquility & weaken the Government of the Union ? We have already considered the operation of the report as it would respect Congress ; & if animosities & parties would naturally arise from their rejecting it, how much would these be encreased, if the report approved by Congress & some of the States, should be rejected by other States ? would there not be danger of a party spirit being thus more generally diffused, & warmly Supported ? far distant we know it to be, from the honorable Legislature of Massachusetts, to give up a single principle of republicanism, but when a general revision Shall have proceeded from their motion & a report which to them may be highly offensive, shall have been confirmed by Seven States in Congress, & ratified by Several Legislatures, will not these be ready to charge Massachusetts with inconsistency, in being the first to oppose a measure, which the State will be said to have originated ? Massachusetts has great weight, & is considered as one of the most republican States in the Union ; & when it is known,

that the Legislature have proposed a general revision, there can be no doubt that they will be represented as being convinced of the necessity of encreasing generally, the powers of Congress, & the opinion of the State will be urged with Such art, as to convince numbers that the articles of the Confederation are altogether exceptionable—thus whilst measures are taken to guard against the evils arising from the want, in one or two particulars, of power in Congress, we are in great danger of incurring the other extreme.

“More power in Congress,” has been the cry from all quarters ; but especially of those whose views, not being confined to a Government, that will best promote the happiness of the people, are extended, to one that will afford lucrative employments, civil & military. Such a Government is an Aristocracy, which would require a Standing Army, & a numerous train of pensioners & placemen to prop & Support its exalted administration. To recommend one’s self to such an Administration, would be to Secure an establishment for life & at the same time to provide for his posterity. —these are pleasing prospects which republican Governments do not afford ; And it is not to be wondered at, that many persons of elevated views & idle habits in these States, are desirous of the change. We are for encreasing the power of Congress, as far as it will promote the happiness of the people ; but at the same time are clearly of opinion that every measure should be avoided which would strengthen the hands of the enemies to a free Government : & that an administration of the present Confederation with all its inconveniences is preferable to the risque of general dissentions & animosities, which may approach to Anarchy & prepare the way to a ruinous system of Government.

Having thus from a sense of the duty we owe to the United States as well as to our Constituents, communicated to your excellency, our Sentiments on this important Subject ; we request you to lay them before the honourable Legislature at their next Session, & to inform them, that their measures for a general revision of the Confederation, if confirmed shall be immediately communicated to Congress ; that no time will be lost by the Suspension Since the requisition, & other important matters before Congress would have prevented them from an early attention to the propositions of Massachusetts ; & that, if these had

been approved by Congress, many of the Legislatures being now adjourned could not take the same into consideration.

We have the honour to remain Sir, with the most perfect respect
Your excellency's most obedient & most humble Servts *

E GERRY
S HOLTEN
R KING

HIS EXCELLENCY GOVERNOUR BOWDOIN

That Mr. King and his colleagues were not desirous of "suppressing" these important resolutions and instructions will be sufficiently apparent from the above letters, which fully explain the situation. The Legislature was not in session when the letter was received, but as soon as they met Governor Bowdoin, on 24th October, addressed to them the following communication :

"In regard to the enlargement of the Powers of Congress I signed and forwarded to your Delegates, agreeably to your request, the several letters you had prepared on that subject. They viewed it, and justly, as being of great consequence ; and wishing their sentiments on it might be known to their constituents, they have, from a sense of duty they owe to them, delayed taking any measures concerning it until they shall receive your further instructions. The reasons of the delay, their letters of the 18th of August and 3rd of September will inform you. This being matter of great importance will require your attentive consideration." †

The Legislature, after consideration of this communication, with the letters, decided to suspend their resolutions until further orders. Mr. King, to inform himself more thoroughly upon the matter, wrote to Nathan Dane, a member of the Legislature, to obtain from him some positive statement as to the animus of that body in origi-

* Vol. vii., pp. 210-213. Letters in Secretary of State's Department, Boston, Mass.

† *Boston Magazine*, 1785, p. 395.

nally passing these resolutions, and received from him the following answer, showing the wisdom of the delegates in at present withholding them.

N. DANE TO HON. R. KING.

BOSTON, Oct. 8, 1785.

MY DEAR SIR :

I have just received yours of the 17th ulto. The evidence of your friendship expressed in it gives me peculiar happiness, and merits from me those friendly returns of affection and confidence that are more easily felt than expressed. Your request to me to reexamine the motives of the Legislature in recommending to Congress to propose to the several States a Convention of Delegates for the *express purpose* of a general revision of the Confederation, and to make some communication to you on the subject, shall be cheerfully complied with, so far as I am able to reexamine and recollect what hath here passed.

It is difficult, as it respects the Commonwealth or Legislature at large, to determine what the motives were which produced that proposition to Congress, or what, on more mature deliberation, would be the sense of this State on the subject. (Perhaps we have proposed a most important measure to Congress on our federal policy, without having sufficiently considered the interests and motives of the different States, of landed and commercial men, of Republican and Aristocratical politicians, for inducing them to concur or not to concur with us, and the consequences to which those interests and motives, called into action, may lead us.

It seems to be the general received opinion here, that our federal compact is defective, and that Congress have not sufficient powers to controul the several parts of the Union for the General welfare of the whole. How far this opinion is the result of reflection and real information I cannot determine. (However, I am persuaded, but a few gentlemen, of public or private characters, have precisely formed ideas of the powers to be given or taken from Congress in the proposed revision of the Confederation, or contemplated the infinite hazard and difficulty there is, generally, in enforcing a new, or altering the fundamental articles or compacts of government, especially in our Republican

and combined system, where the consent of every freeman is so essential.

(But to give you an idea of the motives of our conduct and which produced the proposition in question, I need only to state the inconveniences we feel in our national and commercial affairs—and our wishes to remedy them.) You will determine how far the proposed revision is expedient or necessary to cure the evils felt, or whether some less dangerous and less extensive plan might not be adopted, better proportioned to the object in view & more likely to succeed. (These inconveniences whether general or temporary in their nature and effects, or not, become the subject of the day and produce a general disposition in those who experience them for a remedy of some sort; and, it is natural in Governments, like ours, to confide in a select convention of respectable individuals to point it out—leaving the mode and prospect of success among the things that are possible. (The defects and difficulties chiefly complained of are the want of a general and uniform power lodged somewhere to levy and collect monies sufficient to discharge the demands against the United States, and to regulate trade and commerce.

As to the Continental revenues, we find at present no motives in the several States sufficiently strong to induce them to furnish the means necessary to discharge the contracts made by Congress. (The several States, it is said, will not consider the engagements of the Federal head as their own & of sacred obligation upon them, and a mere recommendatory power only in Congress to the States is inadequate to the important purposes of calling forth resources of the people to discharge the expence of war and peace, the foreign & domestic engagements entered into by Congress. (At least, as our Government is at present, it is in the power of the State or States that constitute a minor part of the community to withhold their grants unless compelled by the sword; a power in the whole society to controul & govern its parts of little consequence in matters of taxation. It is further said that so long as the supplying of the Continental Treasury shall depend on the interests and pleasures of the several States, there is no certainty of their doing it; and for want of a certain and uniform mode of supplying that Treasury, the character and dignity of the Union must ever suffer, and the Union itself come to nothing.

(To find a remedy for this evil, the Legislature appeared to me to rely principally on the wisdom of the Convention. But how far the yeomanry or the body of the people of this State would accede to any proposition that might be proposed by a Convention for enlarging the powers of Congress in matters of taxation in any form, I have mighty doubts. They might consent that Congress should have a temporary power of taxing imports at a certain and fixt rate. The embarrassments our gentlemen in trade have for some time experienced, principally gave the tone of our late measures. These embarrassments are, I conceive, chiefly produced by the operation of the British alien laws and by our own imprudences.) We cannot support our modes of living with the usual profits of trade and our moderate capitals—and many, by their imprudent contracts made in Great Britain on account of the great but unprofitable importations from thence, have involved themselves in difficulties truly distressing. (The restrictions laid by the British on our trade, and which may hereafter be laid by them and other nations on it, produce here a general disposition especially among mercantile men, to lodge a power somewhere in the Union equal and effectual to the purposes of retaliation and thereby to obtain commercial treaties equal and just—and the powers of the Union vested in Congress appear to them to be the only means of effecting this object.) But in what manner these powers are to be vested in that body, whether by temporary laws, or by a new & perpetual article in the federal compact is a matter, I believe, not well considered nor often mentioned. (Among the mercantile interests, a few months ago, the main object appeared to be to vest Congress with commercial powers to regulate trade, particularly the carrying business of the Continent, perhaps to confine it to our own bottoms,) but the more we consider the subject, the less sanguine are our expectations of finding the general interests of the people at large in laying any restrictions on the trade and commerce of the country.

Upon the whole the measure proposed to Congress and the laws we have lately passed respecting it were, I fear, rather the effects of the impulse of the times of partial interests than the general purpose of the people; because but a few appear to have any system or idea to be adopted by the proposed Convention, or to be pursued by this Government. We all believe our Con-

tinental Government may in time be amended not only in the articles above mentioned, but in some others, particularly as to the mode of suppressing revolts in the respective Governments, &c. These are the ideas I have collected—I have had only a few hours—wishing to write by the next mail. With respect to the Delegates elect for this State, none as yet have given their answers. I believe Mr. Gorham will accept his appointment—I cannot answer for the others.

I have not yet seen your letter to the Governor; he is gone on a journey to the Eastern Country. I will do myself the pleasure to examine it the first opportunity and candidly give you my ideas on the subject of it. I prefer writing by this post a few things on the subject of your letter, because it is time by the date of yours for you to expect this—and because I wish to take a few days to make up my own opinion upon the principal matter proposed in your's. You will, Dear Sir, excuse the length and contents of this—& I hope comply with my sincere wishes that you accept your late appointment as a Delegate to Congress.

With great respect and friendship

I am, Sir, your obedt. Servt.,

NATHN. DANE.

The papers thus presented, and they have been given in full, make it evident that the Massachusetts delegates were not justly liable to the charge made against them by Mr. Bancroft, "that they saw fit to disobey their instructions and suppressed the acts and resolves of Massachusetts,"* and by Mr. John Bach McMaster: "They (the Massachusetts delegates) received the letter in July (it was not till after the 1st of August), and flatly refused to lay such documents before Congress. But the 1st of September was come before they assigned any reasons for their conduct."† In the letter of the 18th of August, they state, generally, their objections, based upon their knowledge of the prevailing opinion in Congress, and their own judgment that the measure was questionable, believing that it might be wise to

* *Hist. of the Constitution*, vol. i., p. 198.

† *Hist. of the People of the U. S.*, vol. i., p. 258.

delay final action upon it, a conclusion which the Legislature adopted after the delegates had more fully explained themselves on September 3d. The leading thought in their letter was that a revision of the articles of the Confederacy at this early period after its establishment and before they had been fairly tried, was of doubtful expediency, and that while they "were desirous of increasing the power of Congress, so far as it will promote the happiness of the people, at the same time they were clearly of opinion that every measure should be avoided which would strengthen the hands of the enemies to a free government, and that an administration of the present Confederation, with all its inconveniences, is preferable to the risque of general dissensions and animosities; which may approach to anarchy and prepare the way to a ruinous system of Government"; and "that besides no time would be lost by the suspension, since the requisition & other important matters before Congress would have prevented them from an early attention to the propositions of Massachusetts, and that if these had been approved by Congress, many of the Legislatures being now adjourned, could not take the same into consideration."

The time had not yet come for the calm consideration of the question of the amendments to the articles of the Confederation.

CHAPTER V.

Timothy Pickering relative to public Lands—Affairs in Massachusetts—Mr. Soderstrom, Swedish Consul in Boston—Rhode Island's Impost—Rufus King appointed Agent to prosecute Claims against New York—Osgood and Knox's Appointments—Business in Congress and Massachusetts—Pennsylvania's Mode of paying the Requisitions—Land Laws—Claims of New York and Massachusetts—Disordered Condition of Commerce—Requisitions—Troubles with the Barbary States—Western land Claims and Purchases—Correspondence of R. King and J. Adams, London.

✓ T. PICKERING TO E. GERRY.

PHILA., March 1, 1785.

DEAR SIR :

As you have expressed your wishes to be concerned in the purchase of lands on the other side of the Allegany Mountains thro' our agency, we think it very material to your interest as well as our own that we be informed, if possible, what plan Congress will probably adopt in disposing of those lands which lie west of the Ohio. If they mean to permit adventurers to make a scramble for them (as has been the case in this State & Virginia) it will behove us to engage seasonably with some enterprising, but confidential character, to explore the country and make locations. But I would rather suppose Congress would fall on a more regular plan—as that of surveying a district or districts for a state or states, dividing the same into counties & townships—and then selling the townships at public auction. The surveyors to be ordered to add to their survey such explanations as would enable purchasers to judge of the value of the lands. The officers and soldiers of those states which have made no provision of lands for their troops may perhaps have their district alike surveyed, & their several portions assigned to them by lot. I am aware these surveys would be expensive ; but this is an expense which must inevitably be incurred in whatever way the locations & divisions shall be made. If the surveys be made, as above proposed, by persons appointed by Congress, the expences may nevertheless

be charged to the purchasers or assignees who are now obliged to bear the like expences of locations, surveys & patents in this state & Virginia.

In this way the settlement of that country may be effected with regularity—with much more safety than in the desultory way practised in the two states before mentioned—and with much greater advantage to the United States. If but a single state be sold, on the other side of the Ohio, settlers will flock thither immediately. As soon as more lands shall be wanted, another adjoining state, surveyed into townships as before (& these townships too should be divided into lots) may be set up for sale & so, in succession, as lands are in demand. All subsequent sales, in this way, would probably be increasing in their amount in proportion to the increase of settlers in the adjoining state or states. But if adventurers should be permitted to ramble over that extensive country, and take up all the most valuable tracts, the best lands will be in a manner *given away*, and the settlers thus dispersed, it will be impossible to govern; they will soon excite the resentments of the nations and bring on an Indian war; to the destruction of multitudes of the settlers and to the injury of the public. (The ideas here suggested, I am sensible, are *rather foreign* to the interest of persons who would speculate in these lands, but they appear to me adapted to promote the public interest, and therefore I shall be pleased if a plan of the kind proposed be pursued. But if there must be a *scramble*, we have an equal right with others and therefore the information desired in the beginning of this letter may be of essential importance.)

Your answer to this letter will much oblige your sincere friends, who wish to advance your interest with their own.

TIM PICKERING.

No answer is found among Rufus King's papers.—ED.—

E. TO R. KING.

MONDAY, $\frac{1}{4}$ past 11, 14th March, 1785.

DEAR KING :

I arrived in town last evening and this morning Osgood, Lowell, Knox and Otis having called on me, have given me an

opportunity of sending you some information by this post. Mr. Osgood I fear will be discouraged from accepting in consequence of the bonds. General Knox will accept. The Gubernatorial party are pushing for Cushing, the adverse party for Mr. Bowdoin. Our friends Dalton & Warren will have a few votes, Lincoln fewer. Heath is opposing every necessary expence of Government, as I am informed, to make himself popular & to be appointed L. Governor. Parsons accepts as Agent.

Rh. Island have passed an import Bill, which I think a most extraordinary one indeed. I read it cursorily, and as well as I recollect it provides certain Duties, to be raised by officers of their own appointt. ; applies 8000 Dollars of this Revenue to the order of Congress for ye Interest of ye Foreign Debt ; the surplus is appropriated by the State to pay the Interest of Loan Office Certificates (& the Commissioner who is liquidating the public acct. in that State) in the possession of their own Citizens, excluding the Army Debt & Commutation entirely, and making provision that ye other States shall not exercise certain powers respecting the laying Duties on Goods of the Citizens of other States. They say in Newport this is H—lls plan to pay the Interest of J—n B—ne Certificates. So much for politics. . . .

Yrs., E. G.

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- E. GERRY TO R. KING.

Endorsed Mar., '85.

[Enclosed, my Friend, is the Edict of France, respecting their West India Commerce, which they are encouraging at the Expence of our own. Their object, it appears to me, is to pursue their prospects of a powerful Navy, by increasing their nursery for seamen & destroying ours. France has been evidently averse to our being powerful by land or sea, & this Edict strikes at the Foundation of our naval Establishment. Something should be done to reciprocate this injurious System, but what, I confess, I do not at present conceive.). . .

This is my fourth letter to you since I arrived in this State ; & some of them are so lengthy that I presume you must return before you can find leisure to read, much more to answer them.

Adieu in Haste,

E. GERRY.

T. DALTON TO E. GERRY AND E. G. TO R. KING.

Mar., '85.

DEAR SIR :

A Resolve passed to indemnify *any* persons, whom Congress may accept as Sureties with, & in behalf of, our good friend Osgood.

Our friend King is also appointed joynt Agent, with those already chosen to manage the Claims of this Comm'th at the federal Court next June, & with equal powers.

The Bill of 25 p. ct. duties, which you mentioned was referred by the Senate to the next Session. At the last moment of the Session the Stamp Act passed. The parents died the instant after that was born. Altho' a weak child, begot in fear, and born in haste, its sponsors hope to see it thrive—grow to manhood and become a blessing in its day.

The Senate after long debate on the subject of the late Governor's recognition of Mr. Soderstrom, referred the matter—so that no proceedings are determined upon—indeed this night I hope will finally be found to belong *exclusively* to the United States in Congress assembled. . . .

Wishing you a happy sight of your friends, I am yrs. affect'ly,
T. DALTON.

I send the preceding to Friend King, it being an answer of Mr. Dalton's to my question on what passed this Session.

Pray quere the State of Rh. Island whether they mean to include the Army Debt & Commutation in their Impost Act. I was positively informed at Newport that both were intended to be excluded, notwithstanding the plausible appearance of the Act. [In handwriting of E. Gerry.]

— E. GERRY TO R. KING.

BOSTON, 28th March, 1785.

MY DEAR KING :

The Court is up ; it rose this evening, & I will endeavour to give you some Idea of Matters and Things.

I find by a person who conferred with the L. G. that the G—— in a Freak, without consulting a single person, or even his most

intimate Friends, sent his first Message to the Court. He expected they would be unhappy on the Occasion, be silent for some time on his proposition to resign, & then request him to continue in the Chair and pursue measures to recover his Health, while the Duties of the office should devolve on the L. G—r. But when the Gov'r found that his Message was taken up the second day after it was made, & that his proposition to resign was in polite Terms *encouraged* by the Legislature, he was much chagrined & disgusted, but delayed his Resignation three weeks, and was then under the necessity of proffering it, as all Resources failed him for making Retreat. He is undoubtedly determined now to support the *L. Gr.* and no one can tell whether *he* or Mr. B—n will carry the Election. But it is believed on all sides that it will lie between them. Our Friend D. proposes to return to Newburyport in about three weeks, after being suspected by some who love to be shrewd, of coming to Boston to be *made* Governor. When D. first arrived here, having been on good terms with the Gr., it is said much dependence was placed on *his* politeness & friendly Reception; but in lieu of these, a coolness ensued, & neglect, which was extended from other quarters & rendered Boston rather disagreeable. However D. concealed his Resentment, if he felt any, for it has leaked out from some of the G—r's party so as to be known to a particular Friend of mine, that Mrs. D., after the G—r's Resignation, said before one of *his* trusty Friends some handsome things of the G—r, which were soon after communicated to him, & that he immediately declared, "I know what he, meaning D., wants, but he never shall have it." This accounts for the Gov'r's coolness to our Friend D., when he came to town, & his going home so soon after electioneering will confirm the other in his suspicions.

Having on Monday, being the day after my arrival, informed the Legislature thereof, my attendance was desired by the Senate & House, & enquiries made respecting our foreign affairs—the Establishment of a War office—the Indian Negotiations—the Impost Recommendation—by how many States it was come into—the Treasury Affairs—the federal Court, &c.

I informed the Court of the ministerial arrangements & Regulation of their temporary appointments, with the principle of policy which we had pursued in adopting the last Measure—also the

probability of an European War, of the necessity of establishing our Credit at Home & abroad, attending to the discipline of our Militia and to the care of our military Stores, lest G. B., whose appearance is by no means friendly, should be disposed in case of a general War to enter the List with us. I explained the necessity of a War office very fully, as it was said G. Heath had promoted an instruction to the Delegates to abolish it—the quantity of Land in our possession by the last Negotiation, I also mentioned, & the Intention of Congress to open a Land office to sink the Domestic Debt as expeditiously as possible. I explained the Rh. Island Act respecting the Impost, & how it stood at present in Congress. I also mentioned the Requisition reported for Troops, the Ideas of our Delegation on the Subject, and the Measures you would pursue, if the Requisition was urged. I stated the advantages to the State & Citizens of it from having a Member of the Treasury from this State, & suggested the propriety of authorizing our Delegates, in case of Necessity to give bonds for him. I urged likewise the advantage which would result from adding you to the agency, in order to attend to the Representations which may be made at ye Federal Court, of the proceedings of Congress, and afterwards to see the Entries properly made on ye Journals of Congress.

In consequence of the two last hints, you are appointed an Agent to prosecute ye Claims against New York, and the House passed a Vote for the Delegates to be bound for Osgood, but I have not yet heard whether ye last is concurred by the Senate.

A Stamp act has passed which will raise a permanent Income of £2000 per annm., as a further fund for our State Debts. Likewise an Act* laying 25 pr. ct. on all Imposts belonging to the Citizens of any States, who shall not have passed the Impost recommended by Congress. An Act has also passed, as I am informed, to answer the purpose of the Supplementary Funds, as they were called by Congress, but I have not seen it, nor had I much time to enquire about it.

I communicated, (with the Galleries closed) the Representation & Report respecting Mr. Soderstrom; who is generally viewed here as an honest man, and supposed able to recover himself in a

* This act, I think, has not passed the Senate.

little time from his Difficulties. My friend Russel has a favorable opinion of him, but as Delegates we have only to rectify the error, if it is one, of the Proclamation. In a report of a Committee, an Instruction, or rather a private letter to the Delegates passed, which was afterwards fortunately revoked, justifying the principles on which the proclamation was issued, and the matter rests sub silentio. If Mr. Soderstrom, as was suggested, and as he would have done, if Mr. Lowell had approved of the measure, *had signified* to the Legislature his Desire that a Resolve might pass, annulling the operation of the proclamation, if it could possibly have any, I think Congress would have been satisfied with such a resolve, he would have removed suspicions respecting his intentions being unfair, our New York Friends would have been secure, and the Legislature have stood on good Ground without disgracing the Governor ; but Mr. Lowell, thinking his letter to Mr. Jay will answer every purpose, was opposed to the other plan. I think it unpardonable of Rh. Island to attempt to prevent the payment of Debts, such as the Army and Commutation, after the solemn manner in which they have been confirmed by Congress ; if the latter are the constitutional judges of all claims against the U. S., every attempt to evade payment, is in the face of the Confederation. . . .

God bless you King, give my kind respects to enquiring friends & be assured I am always yrs.,

E. GERRY.

—
/ J. LOWELL TO R. KING.

BOSTON, March 18, 1785.

MY DEAR SIR :

Yesterday by the adjournment of the Genl. Court, I was relieved from the close Engagements which have for six or eight weeks past prevented my being able to write to you on several subjects, which I was desirous of doing. I thank you for several communications to Mr. Sullivan & myself, all of which have passed only into my hands, for he has been so very sick as to be unable to attend to any business. You have been informed I dare say that Bror. Parsons has been joined in the Agency ; he has accepted of his appointment. I have also the pleasure of informing you that

yesterday by Resolve of the Genl. Court, you was also added to the Number, & I shall by the next Post write you more fully on this Business. You must not think of declining. I trust on the whole, tho' the Business will be arduous, there are many things that will render it agreeable; I am very apprehensive Mr. S. will not be able to go on.

It is strange to me that the Comn. to the Judges has not been made out, I cannot conceive how the President can excuse himself if on this account the Business should be retarded or perplexed. I wish you would attend to making out the Commission, & have it so constructed that the Property & Pre-emption as well as Jurisdiction may be tried. I must beg your attention to Mr. Soderstrom so far as to prevent Injustice being done him by any act of Congress, founded on a Misapprehension of his Case; I am confident our Friends Sears & Smith must have conceived of the affair differently from the Reality, or they would never have exerted themselves to have injured a man whom they must thoroughly know, & upon whose integrity and remarkable good Disposition they have themselves a thousand times spoken. Mr. Soderstrom has made very large Remittances to Europe, on which S. & S. state to Congress he had a Right to draw to the amount he has; his bills have unaccountably failed of payment, yet he is still in a situation to give security for all that have returned, & will be enabled to do it for all that shall return as fast as that event happens. I shall enclose you a State of his affairs, and a State (handed me by Bror. Tudor) of the manner in which Mr. Soderstrom conducted as to the demand made by Mess. S. & S. on him here. I intend to write to Mr. Jay respecting his Report about Mr. Soderstrom, which I will inclose for your Perusal & beg you to seal & deliver. I have never had an idea that a Consul has such Privileges as seem to be apprehended, or that he can be screened from the Payment of his Debts. Mr. Soderstrom was advised to lay before the Governor his Credentials, who very honestly supposing himself to be right, ordered him to be acknowledged. Had I known of the affair, I should have advised of their being first sent to Congress; but I have no Doubt that both he and the Governor acted with great Singleness of Heart on the occasion. He had been on to Trenton, but Congress had not assembled as they ought, & he transmitted his Credentials to the President as

soon as the Govr. returned them to him. I cannot conceive there is any real Foundation for the Report of the Secretary of Foreign Affairs ; it will operate cruelly as to Mr. Soderstrom, who, I dare engage, will prove as unexceptionable a public officer, as will be sent by any European power to America ; and I cannot believe Messrs. S. & S. can wish or desire to have a Man with whom they have lived in all the Habits of unrestrained friendship, so deeply injured.

The Genl. Court, on your joint Letter respecting this matter & asking to be advised, have adopted a Report of a Letter to the Delegates, in which they express much Doubt on the Subject, and rather incline to an opinion that the *sole* authority of acknowledging a Consul (whom they could not conceive to be an Ambassador) was not *expressly* given to Congress by the Confedn.; and if not, *expressly*, then &c, but Mr. Gerry was afraid it might involve us in a disagreeable controversy with Congress ; and it is suppressed. On the other hand, as they may be assured, that neither Soderstrom, or the Govr. had any Design to oppugn the Views or Powers of Congress, or interfere with them, I hope & trust they will not on their part, make up a controversy with us in order to the Vindication of either.

If they chuse to declare in the act of his Recognition, that the measure was premature, it may answer all purposes. . . . I must bid you adieu with much Esteem & Friendship, I am your Bror. & most ob. Servt.,

J. LOWELL.

— C. GORE TO R. KING.

BOSTON, March 20, 1785.

MY DEAR FRIEND :

Permit me to offer you my warm congratulations on your appointment to the Commission of prosecuting the Massachusetts Claim to the Western Lands. Sure I am that my countrymen cou'd not have made a choice, that would have reflected equal honour upon their judgment ; and to one emulous of true fame, the appointment, as it arises from the free suffrages of a discerning people, cannot fail of affording satisfaction. I was not a little mortified that in the remembrance of your

friends, you forgot, or what is worse, did not chuse to rank me in the number; a letter from you wou'd have gratified me much. 'Tis in your power to communicate matters interesting and important to us; tho' in return therefor you may only receive accounts of some sordid tricks of an attorney or the petty squabbles of a town about the situation of a bridge. But these to a mind, sometimes wearied with unremitted application to the affairs of a nation, may not be void of entertainment; their very want of importance may render them serviceable to relax and relieve the understanding. If on these terms you are willing to correspond you will afford me much pleasure, and I will promise to communicate to you ev'ry thing that may conduce to your happiness or amusement. The General Court has adjourned. During their Session much bickering passed between the Senate & House of Representatives. The late Governor's resignation was a source of great joy to his opponents & much grief to his friends. When he attended on the floor of the House of Representatives to take leave of the legislation, his enemies discover'd marks of indecent joy, while his admirers chose to display their sorrow by unmanly blubbering and sycophantic speeches.

Who is next to take the chair remains quite problematical—many expect and wish to see Mr. Bowdoin the chief magistrate, while the lovers of Mr. Hancock are warm for the present lieutenant Governor, supposing that the latter will at any time give way to his quondam Excellency, if, as is expected, he should again desire an election. Adieu, my dear friend,—accept the warmest wishes of Mrs. Gore & myself for your health & happiness & believe me with sincere attachment your friend

C. GORE.

✓ E. GERRY TO R. KING.

MARBLEHEAD, March 21, 1785.

I arrived here, my Friend, on Saturday evening, & will you believe it? The snow on the average between this and Providence is $3\frac{1}{2}$ or 4 feet deep, in most places level with the walls, & in some six or seven feet, & so cold, that in my sherrevallies, two outside garments, fur gloves &c, I suffered exceedingly with the cold. At this season of the year (as one of Mrs. Mercer's Geniuses says)

this is "surprising," "wonderfull," "astonishing," but not "impossible." . . .

Mr. Osgood goes on and I presume you will see him at the Board of Treasury soon after the receipt hereof. The agents for supporting our claims are to have £300 each. Mr. Robins informs me, your Colleagues of the Law were in general rather opposed to your Election. This I account for on the principle of its giving you Reputation in your profession. The objection is consistent with the feelings of human nature, but not candid. Robins was your friend.

I mentioned to the Court the impolicy of negotiating our claim for a pecuniary consideration. The attempt would weaken the claim, and if this was relinquished on an obligation of N. York to make a certain payment, you would have to apply to Congress for a federal Court to receive the money, & the negotiation would in effect produce only a change of Claims. . . . Sincerely,

E. GERRY.

R. KING TO E. GERRY.

NEW YORK, March 24th, 1785.

DEAR GERRY :

I this moment received your's written the morning after your arrival at Boston. I am pleased with the acceptance of Genl. Knox and hope that the measures adopted by Congress after you left us will induce Mr. Osgood to come forward without delay. I have once and again written to the Agents of Mass. on the subject of the controversy between us & N. Y. ; but as the gentlemen make me no reply, I shall decline farther communication. Wythe, Johnson & Monroe accepted within the two months ; Grayson & Harrison declined—no answer from any of the other gentlemen. New York are moving for an alteration of the place of trial. I will oppose my feeble strength to them, but I shall regret your absence. Delaware is represented so that there are now twelve states on the floor and a full representation is daily expected by an additional Delegate from Georgia. We have by the last post a very rugged instruction from our Legislature. We will manage it as well as is in our power, consulting the gentle demeanor of our

colleague the Doctor, who I hope will now come up to what you & I believe our duty on the subject of the federal buildings. I thank you for the Politicks you give me ; the R. Island Act for an impost had reached us before your letter ; New York have been you know upon the subject of Impost, and yesterday the question upon a Bill, copied from the Mass. Act, was lost in the Senate, there being only Eight in favor and Ten against it. The business of Congress proceeds with great facility by so full a representation. Congress have agreed on a Treaty to be held at Port Vincent in June with the Indians North West of the Ohio ; and also to a Treaty South of the Ohio. This Treaty was opposed by the circumscribed States, because it might cover the States of Georgia, So. & No. Carolina in purchases of Indian Rights of soil within the boundaries of those States. It was well answered that the U. S. are bound to procure peace to all the Citizens of the Union, and that the Citizens of the Southern States had a right to require the U. S. to establish peace with the enemy within their Country. The Object of the Treaty is confined to peace only ; and the Commissioners restricted upon the subject of a boundary of property between the Indians and the several States. The Commissioners for this Treaty are Mr. Perry of Delaware, Mr. Carroll of Maryland, Mr. Hawkins of N. Carolina, Mr. Martin of Virginia & Mr. Pickens of So. Carolina. . . .

Believe me to be with sincere esteem yours,

R. KING.

E. GERRY TO R. KING.

BOSTON, March 28th, 1785.

MY DEAR SIR :

. . . I find the officers of the army are calling a Meeting to petition Congress for a Location of their Lands & payment of the interest due on their Certificates. They have advertized a Meeting in the public papers, which is a Measure I was apprehensive of before I left Congress. Pray anticipate their views, for if they petition for merely the Interest of their money, you cannot refuse so reasonable a Request ; and I fear the Success of one petition will encourage others, which however just, you may be under the Necessity of denying and thereby producing Confusion.

What think you of our Taxes here? a few Days past I was saluted at Marblehead with a tax Bill for upwards of £100, sterling. This I suppose is in Consideration of the lucrative office of a member of Congress. . . . Yours in haste,

E. GERRY.

Osgood set off this Morning for N. York.

GENL. KNOX TO R. KING.

BOSTON, March 28, 1785.

MY DEAR SIR :

I have this moment received your kind favor of the 14th instant for which I pray you to accept of my sincere thanks. You will have known by my letter to Mr. Thompson, that I accepted unconditionally of the office of Secretary of War. It is true I was fully of opinion that the salary was considerably inadequate to the honorable support of so confidential an officer; but I thought it would be injurious to the dignity of Congress to state that circumstance, as an objection to my acceptance. I was induced to hope that the reasons you have stated, which arose in my mind, would operate to convince a future Congress of the propriety of some additional allowance.

I am happy that my reasoning in this instance, and acting in consequence, will be agreeable to you and my other friends. I shall endeavor by my conduct to merit a continuance of your esteem. I wrote you by the last post of my intention of being in New York by the middle of next month. . . .

I am, my dear Sir, your obliged & most obedient Servant,

H. KNOX.

R. KING TO E. GERRY.

March 31, '85.

DR. GERRY :

We have a Letter from J. Adams dated Auteuil, 10th Jan'y, '85, which informs that by a Letter from his Bankers at Amsterdam, he learns that the last Loan is nearly complete. Of consequence we must have in Europe subject to the order of Congress a very considerable sum of money.

Mr. Adams advises the opening of a new loan, but laments that he has put his hand heretofore to contracts which leave so heavy a load on his fellow citizens, and which will prove so injurious a drain on the industrious earnings of his countrymen. Somehow or other this is inconsistent. Mr. Adams laments our burdens, yet advises an increase of them. I do not know why we shd. borrow more money.

Nothing new has taken place in Congress ; we are now warmly entered into the business of requisition for money, troops, &c. My Colleague the Doctor has been sick this week past, and we are unrepresented. However I hope he will soon be out. Adieu,

R. KING.

You will observe this to be a letter written in Congress, &c., &c.

R. KING TO E. GERRY.

NEW YORK, March 31st, 1785.

DR. SIR :

I this moment recd. by post a short line from you without date inclosing the Edict of the French King regulating the commerce of the W. Indies—you mention that you have repeatedly written me since your leaving us, but the letter by this post is but the second that has come to hand. The post goes at one o'clock & I will add a few words whilst the House are settling the duties of the secretary of Congress, in a second reading of the ordinance—New York yesterday reviewed their proposal to write to Mr. Wythe, proposing to him to come farther northward than Williamsburgh to hold our federal court—I remain in the same opinion on this subject as when the proposal was before made—and if we agree on the form of a letter, my colleague & I shall join. It will not be possible for the court to be held so soon as was expected.

The business of a requisition for monies for 1785 is soon to be determined on ; the amount will be Three millions of Dols.—After some considerable opposition the G. Comee agreed to a payment of one Half only in real money, and the other Half in Facilities—The apportionment was made by the G. Comee conformably to the former apportionment of the 1,500,000 Dols.

This is conceived to be hard on Virginia & New Jersey—too light on N. York, Pennsylvania, North Car, South Car, & Georgia—if any alteration takes place I shall urge the peculiarity of the situation of Massachusetts ; considering her former advances, her punctual redemption of the old money, her loss by the want of that punctuality in other states—her exhausted condition in relation to real specie—the want of a staple & the languishing appearance of her commerce, and hope that the statement may be such as rather to exonerate her from the proposed apportionment, than hold her forth as able to bear a part of those States' burdens who may conceive themselves overloaded——

but farewell, yours,

R. K.

E. GERRY TO R. KING.

MARBLEHEAD, April 7th, 1785.

. . . I am happy to hear Mr. Jefferson is appointed to Versailles, & I hope, e'er this, Mr. Rutledge is elected to the Hague. I think you have not allowed sufficient Time to the public Creditors ; the Report extended it to two years, before they were excluded from allowance.

On the Receipt of your Letter (24th March), being in Boston, I called on Mr. Lowell, who informed me he had wrote you fully on the Subject of the Court. The second Agreement is mislaid by the Clerk of the Senate or House. I feel exceedingly for you, knowing the difficult part you have to conduct, & wish to be with you ; not from an Idea that you would derive any assistance, but from the uneasiness of seeing you alone opposed to a phalanx of able and intriguing politicians.

I am sorry to hear New York has negatived the Impost ; perhaps they will think better of the Subject.

It is a doubtful point whether a Governor is elected by the people. Mr. Bowdoin has probably a great number of Votes. Mr. C——g has been in a quandary ; his simple ambition urged him to attempt the Chair. The consequence of his Election would be this ; that his patron Mr. H——k, whose inordinate Love & unfortunate Manœuvre for legislative adulation has lost him the Gubernatorial office, would offer himself as a Candidate the next

year, and remove his *occasional* Excellency from the first place without his assurance of obtaining the second, after it had been filled the preceeding year by another Gentleman. And indeed the consequence of his attempting the Chair makes it doubtful in my mind, whether he will not oust himself this year from his present office ; if so, & we should have a new Secundus as well as *primus*, the whole affair will be truly laughable. Mr. S. Adams was put up in Boston & this place for L. Governor.

Enclosed are one hundred Dollars of new Emission Money which Col. Steward desired me to have exchanged for Specie. Pray inform him they are all counterfeit.

I am glad you opened Mr. Osgood's Letters. Your Resolve may perhaps facilitate the acceptance from Mr. Gervais, whose Declension of the office, I apprehend, would produce a Candidate whom you & I can never vote for. Mr. Osgood is with you, I presume, by this time.

I observe you are in a fair way of having a full Representation. We pushed A—s. Election in the nick of time.

I have a multitude of private concerns, & am exerting myself Day & Night to dispatch them & be with you. Adieu dear King. . . .

Sincerely yours,

E. GERRY.

R. KING TO E. GERRY.

NEW YORK, April 11th, 1785.

MY DEAR SIR :

I thank you for your repeated favors since leaving us, they have satisfied curiosity and given instruction. Congress proceed with great harmony and moderation ; the Report for 1500 men by way of requisition has been changed to a recommendation to the four States that raised 700 militia last year, to raise 700 men to serve for three years unless sooner discharged. A little firmness and a great deal said about candor and harmony brought the measure to adoption without much difficulty. A new ordinance has past upon the report you must have with you, regulating the duties of the Secretary of Congress ; and I am preparing to introduce our instruction for the annual appointment of the Secretary—the measure is right, but I think will not pass. . . .

You say "my Colleagues of the law were rather opposed to my election." Do you mean Lowell, Sullivan & Parsons, or generally those who were in the House of Reps.? If the former, I shall not think of serving with them; as God knows I am unambitious on the subject, as I have a strong presentiment the issue will not be a foundation, on which great reputation will be raised. . . .

Yours,

R. K.

R. KING TO E. GERRY.

In a postscript to a letter of April 18, 1785, R. K. says:

"I inclose you the New York Paper of this Date. You will find this State have opened a Land Office to sell the Territory in dispute between them & us. It is a very unfair mode of procedure. If the Legislature of Mass. was now sitting, I should advise the passing a Resolve directing the Governor to issue a Proclamation stating the Dispute between the two States & declaring that in case Mass. recovered the Territory, she would not hold herself bound to quiet such persons in their Titles as shd. purchase after such Notice.

"I have it in contemplation to move Congress to pass some Resolve on the subject—if passed or negatived, I could publish it and this would prevent rapid sale.

"R. K."

E. GERRY TO R. KING.

BOSTON, April 28, 1785.

. . . The opposition to your appointment was mentioned to me by Robbins, who was your Friend on the occasion. Your Colleagues could not be in opposition; Mr. Parsons was at Newburyport, Mr. Sullivan was confined by sickness, and Mr. Lowell you know to be friendly. The attempt was faint and unworthy your notice. . . . I think you should send official information to the Legislature respecting the Land Office in N. York. . . .

Yours,

E. GERRY.

E. GERRY TO R. KING.

MARBLEHEAD, April 23d, 1785.

DEAR KING :

I am favoured with two of your Letters, dated March 31st, in one of which you say, that only two of my Letters have come to Hand. I recollect six & am not sure that I have not wrote seven before this, some of which contained confidential Information on various Subjects. If any have miscarried, I am determined to trace the cause, whilst there is any probability of detecting it.

I am glad you have taken up the Business of the Requisitions. It is high Time to make provision for the payment of the Interest of the Army notes. If you order the Interest to be paid to the 1st of Jany last, there will be one year's arrearages, for which the Holders must be satisfied to give longer Credit. There is one matter that ought to be immediately rectified. The State of Pennsylvania, notwithstanding the Remonstrances of Congress, have repeatedly neglected to pay the Interest due on Continental & our Certificates, unless the Holders are their own Citizens. This is an unconstitutional appropriation of the money required by Congress, or rather it is a neglect of making the provision in part required ; & the Consequence is Irregularity in the payment of the publick Creditors, Injustice, Confusion & Discontent. To rectify this Neglect, I think it will be best to order the Interest (thus omitted) to be paid out of the money raised by that State, & paid to the Continental Receivers—or if this is not palatable to Congress, order the continental Loan officer in Pennsylvania to make Report to the loan officers in the other States of the Numbers, Dates & Amounts of Certificates issued from the Pennsylvania Continental loan office to the Citizens of those States respectively that they may receive the Interest from the Continental offices of the States in which they may severally reside. Then each State will conduct in the same manner with the citizens of Pennsylvania, who now obtain the Interest of their Certificates in those States whose Citizens are refused payment in Pennsylvania.

I am clearly of your opinion respecting this State. We are overburdened in our proportion of Taxes. What makes this

demonstrable is, that a Farm of equal Value on the other side ye Line of our neighbouring States, does not pay above $\frac{1}{3}$ the Tax of one on the Massachusetts side.

I received two Letters from Mr. Adams at Auteuil, in one of which he thinks the Coolness and Distance of the British Court to America promises no good. You will see by the papers, the Spirit of the people at Boston ; I am happy to see things in this situation. A lucrative Commerce with that cursed, Malevolent Nation, would subject us more to their Influence than any other consideration, or their deepest Systems of policy, and therefore I conceive the injurious plans which they are pursuing against our Commerce, are or will eventually be political blessings. . . .

Always yours,

E. GERRY.

Mr. Adams mentions his presenting Tracy, Jackson, & Bingham to the French Court. With respect to further loans, I am clearly of your opinion, they are not necessary.

R. KING TO E. GERRY.

NEW YORK, Apr. 26th, 1785.

I this evening received your's of the 7th April, for which accept my acknowledgments—I am surprised that I hear nothing from Mr. Lowell on the subject of the federal court—Doctr. Johnson joins me in opinion that it will be wholly improper to think of trying the cause in June, indeed it is impossible—the time is too short to give notice to the Judges—No commission is yet made. Mr. Rutledge has given no answer—three Judges are to be appointed, notice thereof given them, and time to receive their respective answers &c., &c.—I see no benefit from hurrying the trial, but from a delay that will give sufficient opportunity to arrange documents, and understand the cause, benefit certainly may be expected—No minister is yet appointed to the Hague some weeks since we tried a ballot and the votes were divided between Rutledge, Harrison & Govr. Livingston—the matter subsided, and nothing is said upon the subject.

I wrote you that Gervais had declined his appointment at the Treasury, no Election has been attempted to supply his place,

the sense of the House appears to be, to wait until they can hear whether Eveleigh of S. Carolina will accept.

Osgood & Livingston have opened their office; Knox is also here, and in his office—and if the States were fully represented, we might proceed with great facility in public business—Nine States only are represented; Connecticut, Jersey and Delaware are off the floor, and it is uncertain when they will be here again—New York are not represented by their former members—the Chancellor, W. Livingston, & Platt, are out, our friend I. Lawrence, and two other gentlemen, all new, supply their places—We have been this fortnight about a land ordinance—Virginia makes many difficulties—the eastern States are for actual survey, *and sale by Townships*, the Southern States for indiscriminate Locations &c, what will finally pass, if anything does, is wholly uncertain.

I close or lose the Post.

Yours,

R. KING.

— T. PICKERING TO R. KING.

PHILADELPHIA, April 30, 1785.

DEAR SIR :

I was duly honoured with your letter of the 15th, inclosing the new report of an ordinance for disposing of the Western Lands. Nothing struck me more at that time as requiring alteration or amendment except the apparent impracticability of the direction for making the Surveys in exact Squares, and yet taking the true meridian for the east and west lines. To this the same objection particularly stated in my former letter applies. But perhaps such accuracy was not intended by the words “the surveyors shall divide the said territory into townships of — miles square”; and this only expected that the townships should be as nearly square as the taking of meridians for the east and west lines would admit.

If the reservation of 100 acres around a salt spring be proposed for anything more than the accommodation of the manufacturer of salt with room for his buildings & a small farm, it is evidently very inadequate. One hundred acres of land, if well wooded, cannot be expected to yield more than four or five

thousand cords of wood. If the latter object was in view, the four surrounding sections would appear to me little enough.

I observe nothing is said respecting the navigation of the rivers ; perhaps at present it may be unnecessary.

Upon the whole, Sir, you will naturally suppose the report will meet with my approbation, if for no other reason, because the principles coincide with the ideas I had previously conceived and communicated to you. The method proposed for ascertaining the rights of the officers and soldiers struck me agreeably ; 't is obviously the only proper one and practicable.

The report being in my view so perfect, and yet so simple, there hardly seemed to be occasion for troubling you with another letter on the subject ; and with this conclusion I had almost forgot the other part of your letter in which you request a copy of Smith's Pamphlet on the Connecticut Claims to lands within the boundaries of Pennsylvania. I now do myself the honour to inclose it. I had borrowed a day or two since one of Dr. Smith's Pamphlets, but yesterday found one at the printers, which is inclosed.

I am respectfully, Dear Sir, your most obedt servt,

TIM. PICKERING.

R. KING TO E. GERRY.

NEW YORK, May 1st, 1785.

MY DEAR SIR :

This is Sunday evening, we have been adjourned since friday—A Packet yesterday arrived from L'Orient in thirty days ; the president informs me that there is a joint letter from the commissioners on the progress of their commission—I don't yet know the contents—to-morrow will possess me of it—from private letters of authority, I fear little will be done with England, Spain, or the Emperor—embarrassments *as to place* perplex at present—these may be real difficulties, but they are as likely to be ostensible. I find that the ideas of the commissioners touching the sum necessary to treat with the Barbary powers, are far more extensive than those entertained by Congress—whether the sums in their power will be sufficient to begin the treaty with, or whether they will do nothing until they state their sentiments to Congress, I cannot form an opinion—I am inclined to suppose

they will commence a negotiation. The danger to the American ships from these Robbers is real, but for mercantile purposes is magnified. The resolves of Boston have reached us, and the flame will communicate from State to State—There is a report this evening that a ship is coming up the harbour, which has fled from Boston; if so I believe she will not better her condition—the Whig merchants will make opposition to the landing of her goods.

If this well founded uneasiness is attended to by wise & moderate men, in the several States, it may be improved to purposes the most beneficial, to our national government, as well as to our national commerce—you understand me, without my adding—too much precipitancy may injure us—moderation & delay have ever served our true interest. A fresh proof of this sentiment, it gives me pleasure to mention to you; you remember the anxiety the Marquis (La Fayette) discovered at Trenton concerning the demand made by his Court for satisfaction for the violation of National Law in the affair at Philadelphia.

We now have it in our power to conduct the business in a mode consistent with our own honor, & satisfactory to the other party—

I cannot be particular—the delay of a decision has been very convenient—

Mr Lowell wrote me under date of the 25th of April, mentioning the intention of the Agents to come on about the 7th of this month. I conclude that they had not received my two last letters; I think I wrote you to the same purpose—No commission is yet made out—the number of Judges is incomplete—no supply can be made until you come on—No answer is yet returned from Mr Wythe. In short there is no possibility of trying the cause in June—I think the business is in a good train—but Doct Johnson joins me in opinion that the trial must be postponed until the fall—the Agents of New York are of this opinion likewise.

I shall write again to Mr Lowell to this purpose by this post—pray see him and explain the situation.

By the bye, the secretary has given me no Notice of my appointment as one of the Agents—I don't understand the reason—Should I choose to attend the trial I have no authority.

I observe by the papers that Dalton is not included in the list of Senators for Essex—What is the reason? Did he decline?

I hope you will soon be with us—indeed I earnestly wish you back ; I should have a little respite was you here, as well as great pleasure in your society—Never in my life have I been so closely confined as since I have been in this city—You know very well my situation. Constant watching, fatigues the strongest, & most experienced—what must then be my condition ?—

Adieu my dear friend—believe me affectionately your friend,
R. KING.

R. KING TO E. GERRY.

NEW YORK, May 8th, 1785.

DEAR GERRY :

. . . We are not yet thro' the land ordinance ; it has consumed a great deal of time, but I think will have a third reading and pass this week. I will send you a copy as soon as it passes. I am persuaded great benefits will result from it. You will find that it bears strong features of an eastern system. When I tell you the History of this ordinance you shall acknowledge that I have some merit in the business.

As soon as this affair is over, we shall pass the Requisition, if States sufficient are in Congress. We have letters from the Commissioners in Europe, but nothing new—Ministerial correspondences &c., &c. containing many compliments and little sincerity.

I intend writing to, or rather for, the Legislature next post. I observe in some of the eastern papers that it is affirmed that Congress have established a Plan regulating the Duties of Consuls, &c : pray where does that information come from ? Nothing of that kind has been transacted since your departure ; and what is singular, nothing is said on the subject by Doct. Franklin.

We have a letter from Mr. Wythe in answer to a letter sent since your being in Boston, wherein he expressly declines coming northward to attend the federal Court. New York are now concluded and easy. We must go in the fall to Williamsburgh. Rutledge has given no answer ; Grayson and Harrison have declined. If you & one of the Agents, or the two Agents will agree on two Gentlemen from our list, to supply the places of Rutledge and Grayson, and make & sign a proper certificate thereof, which we may sign and present to Congress, we may complete the number

of Commissioners without the trouble of the Agents making a special journey for that purpose. You may make & sign a blank certificate to be filled up here, by agreement with the N. York Agents, with some one to supply the place of Harrison. In this case you would advise us of such persons as would be agreeable to you, and from those named, undoubtedly we may agree with the N. York Agents on one. It will be necessary in this mode of supplying the vacancies to send on the original agreement, if the same is found.

Sitgreaves goes home tomorrow ; Williamson's time expires this week, and Spaight has been confined to his room for six weeks with a *scorbutic* complaint. Jersey have been absent these ten days, so that I have had no opportunity to laugh at Steward. Delaware are absent—Houston only from Georgia, and Doctr. Johnson gone home to bring his colleague ; or perhaps to receive the Right Reverend Bishop Seabury, who is daily expected in Connecticut.

I am very much dissatisfied with the appointment of this Bishop. I never wished to see the lawn sleeves in America. This Bishop may be the channel of improper information to his spiritual head, the King of England. I never liked the hierarchy of the Church—an equality in the teachers of Religion, and a dependence on the people, are Republican sentiments, but if the clergy combine, they will have their influence on the Government.

Adieu your real friend,

R. KING.

E. GERRY TO R. KING.

M. HEAD, May 9th, 1785.

A curse on the Ague & on Grand Mamma Eve likewise ; if Injustice is not done her, in saying that she was the cause of such Maladies. While I am writing this, My Head, by the assistance of Handkerchiefs, Flannel & other Trumpery, is as big as a half Bushel, and it would take me an Hour to find my Mouth. The last circumstance is indeed not an unfortunate one, for I can neither eat nor drink ; and if you was to enter the Room, I should make Signals of Joy, but should not be disposed to speak to you.

However I intend to see you early in June, Misfortune of this kind notwithstanding.

Mr. Lowell informed me that he & Mr. Parsons were to set off on Friday last for New York ; & the Judge proposed to leave Boston soon after. I shall therefore only observe on the subject of the federal Court, that I am clearly of your opinion as expressed in your letter of the 16th of April & your proposition will I think meet the approbation of your Colleagues.

What is the matter with Virginia ? Their attachments to their opinions originate I fear from mistaken Ideas of their own importance. They have certainly many good qualities, but has not their Ambition been bribed by artifice & Flattery to besiege and undermine their Reason & good policy ?

My Time has never been so occupied, than since my Return to Boston. I have made every Exertion for leaving Massachusetts to share the Difficulties of your situation ; but I am easy now as you will be sufficiently reinforced. . . . I have just heard that C—g has the Vote for Governor : but the person who reports it is uncertain. I think from the information recd. when last in Boston, he cannot be elected by the people.

Adieu & yours,

E. G.

R. KING TO E. GERRY.

N YORK, May 12th, 1785.

The *Empress of China*,* India ship yesterday arrived in four months from Canton—We have no particulars of the prosperity

* This, as other vessels, had upon application to Congress, received sea letters, the owners, officers, and mariners being citizens of the United States, in the form following : " Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise and prudent emperors, kings, republics, princes, dukes, earls, barons, lords, burgomasters, councillors, as also judges, officers, justiciaries, and regents of all the good cities and places, whether ecclesiastical or secular, who shall see these presents or hear them read, We, the United States of America, in a Committee of the States assembled, make known," the nationality, &c., of the officers, &c., and our prayer is " to all the above-mentioned and to each of them separately, . . . that they will please to receive them with goodness, and treat them in a becoming manner, permitting them upon the usual tolls and expences in passing and repassing, to pass, navigate, and frequent their ports, passes, and territories, to the end to transact their business where and in what manner they shall judge proper, whereof we shall be willingly indebted," &c., &c.

of her voyage. She was received in China with the utmost civility, and received attentions there which promise encouragement to future adventures.

Her crew have been in high health, and all except the carpenter whom they lost, have returned in the ship.

I have nothing in politicks which you do not know—Accept my best wishes, and esteem me

Sincerely yours,

R. KING.

E. GERRY TO R. KING.

BOSTON, May 18th, 1785.

Before this can reach you, my Friend, you will be in deep counsel with your Colleagues for conducting the contested Claims of this State to the Western Territory. The Result, as it respects the new Election of Judges, I am anxious to know ; as it relates to the Time of Trial, I can foresee, it will be a necessary adjournment of the Court. . . . I shall enquire at the Secretary's office how it happens that you are not furnished with a Commission : perhaps his Honor does not approve of the choice—I mean Mr. L. G.

It is impossible to determine where the choice of Governor will fall. I do not propose to attend the Election, for political reasons, which I shall communicate at our next meeting. C—g has the vote for second in command. Mr. B—n, it was generally supposed declined a seat in the Senate ; but I know not whether this Idea was well founded, or only the effect of a political Manœuvre to prevent his Election ; if the latter, I was duped amongst the rest, for he certainly might have had a general vote in Marblehead, & as matters were circumstanced, he was not in the Ballot. . . .

Adieu, my friend.

E. GERRY.

R. KING TO E. GERRY.

NEW YORK, May 19th, 1785.

DEAR GERRY :

Mr. Lowell, Sullivan & Parsons arrived here yesterday. The Negotiations will commence soon, for filling up the federal Report. I am disappointed in your not coming on with these

gentlemen. We shall want your good assistance in this business ; and I am anxious for your Society in Congress.

We have no public information whatever. A very great uneasiness is discoverable among the Merchants & Trades generally through the States, from the disordered condition of Commerce. What can be done ? Eight States only have complied with the recommendation of last year for granting to Congress power to prohibit certain importations & exportations. Nothing therefore from this quarter can be expected at present : indeed it may be questionable, whether, if all the States had complied, the power granted, which is only *to prohibit*, and not to regulate, certain courses of Trade, can give a remedy to the Difficulties, which threaten fatal mischiefs to our Commerce. Pray examine the recommendation to the States by Congress last year. Suppose a complete compliance on the part of the several States, could Congress proceed to regulate the foreign trade, carried on in this country by imposing Duties ?

The situation of the impost laws you know—the unprosperous condition of commerce, you must have entire information concerning—the disposition of Congress you cannot be a stranger to—What can be done ? Repeated recommendations on the same subject will produce consequences unfavorable to the measures of the Union ; and the Delays in compliance will be ruinous. . . .

Adieu.

E. GERRY.

E. GERRY TO R. KING.

BOSTON, May 19th, 1785.

[I have but a moment to inform you I have had an interview with our Friends Tracy and Jackson. . . . They both say that Congress and their constituents are most cordially condemned in Europe ; first on account of the Inefficiency of the powers of Congress, respecting Commerce & and their Finances—secondly, for sending Ministers without competent Salaries—3dly for not providing Funds to pay even their inadequate salaries—4thly for the railings of the Citizens in the public papers, and for their carrying this spirit in Europe, where

southern men are continually reprobating the citizens of the eastern States, and these in their Turn are ridiculing the others for being Fools & empty Coxcombs.)

The scribblers are opening their batteries against each other in the papers. H—— is attacked in very plain terms. A Writer of this day, under the signature of Civis, is well informed of H's pretensions to Merit. I wish them all a good Voyage, having neither Disposition nor Leisure for paper Wars.

Adieu yours sincerely,

E. GERRY,

R. KING TO E. GERRY.

NEW YORK, May 27th, 1785.

DEAR GERRY:

This accompanies the land ordinance which hath at length obtained its passage through Congress. I hope it will meet your approbation. We are now occupied by the business of a Requisition for monies. The recommendation of the 27th of April, 1784, is the source of great embarrassment—Congress thereby declare that they will call for farther monies, until the States have all paid up former deficiencies—and they engage to credit advances over a moiety of the eight millions of dollars in the next Requisition. South Carolina, by management with Mr. Morris, have obtained a credit for specific supplies equal to their quota of the eight millions of dollars, and now contend that as they have obtained a credit on their quota of eight millions, equal to the whole amount thereof, the present demand on the States, being for the remaining moiety of the eight millions, they ought not to be called on for any part of the sum, necessary for the current year.

The Recommendation of last year, which is a very complex affair, also states that before the residue of the eight and two millions of dollars, not thereby called for, should be required, Congress would revise the Rule of apportionment, and make it conformable to justice, upon the best evidence in their power at the time. S. Carolina, in the apportionment of the eight millions, stands at the same sum as New Hampshire—revise the Rule and conform it to justice, and South Carolina will stand with a larger

sum, and other States at a less. This is what I contend for, and if it succeeds, we shall bring in S. Carolina.

Indeed it may be questionable whether we ought not to reconsider the Recommendation of last year on this subject—to enjoin it upon the States to comply with the expectations of Congress in paying a moiety of quotas of the eight millions last year required ; and make a new Requisition for the monies necessary for the present year, without reference to former requisitions.

It will be the occasion of confusion and intricacy, if every new requisition upon the States for money is to operate as a ballance Bill to all preceding demands. What think you of this idea ?

Adieu, my dear friend—Believe me affectionately yours,

R. KING.

/ E. GERRY TO R. KING.

BOSTON, May 27th, 1785.

MY DEAR SIR :

I most heartily congratulate you on the appointment of Mr. Bowdoin to the Chair. The most vigorous Exertions were made on both sides, & he was sent up by 86 votes with Cushing, who had about 134 out of one hundred and forty odd votes. I had no share in the Election, but the Senate being doubtful, they appointed me a Member & upon the earnest Request of my Friends who previously by Express notified me thereof at Marblehead about five o'clock yesterday morning, I came to town to take my seat in this dumb Department ; but on scanning the members found it unnecessary and shall with the greatest pleasure decline the appointment. (Mr. Bowdoin had 18 out of 28 in Senate. Mr. H. was proposed as Speaker by some, but the Boston set determined to support Mr. O., notwithstanding which, to his great mortification, Mr. Gorham was elected.) He, Mr. G., is very popular in the House and yesterday *after* the Election gave some evidence of his attachment to the present Governor. I will give you the anecdote. I move, says Mr. H., sir, that a Message be sent to the Senate to inform them we are ready to proceed to the Choice of a Secretary. The Motion passed & the Speaker desired Mr. H. to do the Message ; but the latter did not incline to hear until the Request was repeated & then said : Sir, I hear you and *can do the Message*. What little mortifications *great* men are liable to !

I have three of your letters unanswered, viz, the 8th, 12th, & 17th instant. Genl. Knox informs me the land ordinance is past, & I am happy to find you approve of it ; for I have no Doubt that it will be equally agreeable to my own Ideas of the matter. The price, if 6/ will I fear make the plan labour.

In the Requisition do not forget to rectify the conduct of those States, who refuse to pay the Interest of securities held by the Citizens of other States. People will murmur unless the Interest of all the securities is paid to the latter end of the current year, but I do not expect you will be able to compleat more than the Interest due to the first of January last.

The state of the Consular Convention is curious ; I want to know of Mr. Marbois what authority he has to suppose it has been signed ; for at Trenton, some of the Southern Gentlemen affirmed the Fact from his Information.

The federal Court is in good Hands. I feel myself very happy in knowing that if we have a Right to the Contested Lands, they cannot be lost without a corrupt Court, & if it is in the power of men to prevent this Evil, our Commissioners will evince it.

I am equally concerned with yourself about the Connecticut Bishop. The D—l is in that State. They are like a young puritan (since the Establishment of our Independence) who having been trammelled with piety from his Birth, and being just freed from his domestic Confinement, runs into every Excess, religious, moral & political. . . .

I am not sorry the States have not adopted the Recommendation of the last year, respecting Commerce. They were the best that could be then obtained, but would prove vastly inadequate to the Exigency of our affairs at this Time. If Congress & the Legislatures have not sense sufficient to rectify the commercial *Evils* they will remedy *themselves*. . . . Adieu, E. G.

I am determined at all events to leave the State on or before 15th of June.

E. GERRY TO R. KING.

MARBLEHEAD, May 30, 1785.

DEAR KING :

Our friend Mr. Tracey spent the last Evening with me, & communicated a Letter from Mr. Jefferson to him, dated at Paris the

13th of March last—annexed is an Extract of what respects the Barbary States. If Congress have not received this Information, it may be useful to them ; but from Mr. Jefferson's Caution, there is reason to suppose a publication will do Injury to the negotiation with the Emperor & the other States. The Sea-ports throughout the Union should be informed of this Matter, because the Merchants of Britain are taking advantage of those of America, by representing the Danger of shipping property in American Bottoms, & obtaining a preference of Freights for their Ships, whilst ours are charged in their Insurance offices with additional premiums of 8. or 10 p. cent to America. The Wisdom of Congress can however best determine respecting the Communication & mode of making it.

Adieu,

E. G.

“I am glad I have it in my power to give you information as to the situation of our affairs with the Barbary States. I think it sufficiently certain that no prize has ever been made on us by Tripoli, Tunis, or Algiers. I do not choose to commit myself by affirming a Negative ; but no probable Evidence has ever yet come to me as to any such Capture. The Emperor of Morocco has made one prize only which was the *Betsy*, Capt. Irvin from Philadelphia. We have a Letter from his English Interpreter, written by his order, informing us, that as soon as he heard that we had declared ourselves independent, he had notified the powers of Europe, that he was ready to enter into friendship with us ; that he had some time ago notified this Disposition to Ourselves ; that having received no answer, he had made a single prize on us ; that he had not however permitted the Crew to be made Slaves, nor the Vessel or Cargo to be confiscated, & that he had ordered no more of our Vessels to be molested, till there should be Time for him to hear from us. On the conclusion of a Treaty he will redeliver the Crew, Vessel and Cargo. The Vessel is however tho't incapable of going to sea again, & her Cargo, which was Salt, is mostly damaged since she came into port. We are taking measures to prevent a Repetition of Hostilities from this power ; and as to the others, tho' we shall do the same with them, yet I do not think there is any Danger

from them out of the Streights of Gibraltar. I write this information with the consent of my Colleagues & therefore, tho' we do not choose to deliver it officially, or have any extract published in our Name, yet for the Good of our Trade, we are willing you should inform whom you please of the substance of this Communication & that it comes from us."

R. KING TO T. PICKERING.

NEW YORK, May 30, 1785.

DEAR SIR :

The return and letter, you transmitted to Genl. Knox some weeks since, are now before a Committee of Congress, and the object of the reference is the abolition of the Department. Similar proceedings are in examination touching the Department of the Commissary of Military stores. Since the Secretary at War, is expressly charged with the care of the last mentioned Department, I can see no reason for keeping it up separately.

It has been suggested that a proper allowance be made to you for the time employed in the settlement of the Accounts of your Department, and the Department abolished. Pray inform me what, if any, advantage will arise from keeping the Department in existence.

I transmit you a copy of the Land Ordinance, such as it finally passed. All parties who have advocated particular modes of disposing of this Western Territory have relinquished some things they wished & the Ordinance is a compromise of opinions.

(It is proposed to hold a Treaty on the Wabash to obtain a cession of Indian claims to the Land between the Ohio and Mississippi Southerly. Would it not be preferable to try the Sale of the Lands already obtained, before we purchase farther? Would not the Indian Claims prevent emigrants on the Western Side of the Ohio?) Pray give me your sentiments, and believe me very respectfully your ob. Servt.

RUFUS KING.

T. PICKERING TO R. KING.

PHILADELPHIA, June 1, 1785.

DEAR SIR :

I was yesterday favoured with your letter of the 30th ulto.

In respect to the quarter-master's department, I reply, That as soon as other provision shall be made for performing the few occasional duties required of it, it may be abolished. More than a year ago I proposed to some gentlemen that those duties should be given in charge to the Secretary at War. He may need an agent or agents, according to circumstances, to execute his orders. For instance—there is a considerable quantity of stores at West Point, of which somebody should have the care. Troops may be raised to take possession of the frontier posts; somebody must provide boats &c for their transportation, and of the provisions and stores accompanying them. Whether troops are marching or stationary, forage, fuel and quarters must be furnished them. These are quarter-master's duties; tho', indeed, it will doubtless be best that fuel & forage, as well as provisions be supplied by the same contract.

When we get possession of the posts of Niagara and Detroit, it will be necessary to build a decked vessel for navigating each of the Lakes, Ontario & Erie. If these vessels be built by Government, a considerable share of the expence of supporting them may be defrayed by private people for passages & freights which will offer during seven or eight months in every year. At Niagara is a Carrying-Place of some length. Teams will be necessary for that communication between the Lakes. It is not improbable there will be applications for the exclusive right of providing those teams. In this case terms advantageous to Government may be fixed, and at the same time exorbitant demands on private persons prevented. I have dropped these hints as subjects of inquiry on which you will find some people in New York able to give you full information.

You ask my opinion on a question of great moment. I should give it with some confidence if I had ever before considered it, or heard the subject canvassed; but 't is perfectly new. Your queries, however, suggest powerful reasons for resting at present where we are. Tho' numbers, in defiance of the authority of the

States, cross the Ohio to the *purchased* lands, yet few would be hardy enough to settle *on Indian* ground. But if the purchase be extended westward, even to the Mississippi, like lawless emigrants will spread over the whole of it; especially as the most tempting objects lie beyond the present purchase. Pennsylvania, and I believe Virginia, formerly made laws with severe penalties, even to putting to death, to restrain such emigrations: but in vain. These laws have rather encouraged such settlements; the offenders have not only escaped punishment, but eventually received rewards for disobedience, by grants of preemption rights of the land so unlawfully possessed.

I am not sure that I know the extent of the late purchase. I have understood the boundaries to be the Little, or Great, Miamis, from the Head Waters thereof to Sanduski River & down the same to Lake Erie. If so, we have already land enough. I should be sorry that at present we acquired a right to more. The demand for what we now have would lessen in proportion to the additional acquisitions. The purchase will be as easily made at any future period as at this time. Indians having no ideas of wealth, and their numbers always lessening in the neighbourhood of our Settlements, their claims for compensation will likewise be diminished; and besides that, fewer will remain to be gratified, the game will be greatly reduced, and lands destitute of game will, by hunters, be lightly esteemed. In the mean time the money requisite for a purchase will answer more pressing demands.

(There is at this time too much land at market. A large field is opened in Pennsylvania. Their late purchase of the Indians comprehends five or six millions of acres. The Territory in dispute between Massachusetts & New York will likewise be set up for sale as soon as that dispute shall be settled. The military grants of Virginia are so extensive, that warrants for those lands, tho' the best on this side the Ohio, & equal to any on the other, are sold for cash at $\frac{1}{10}$ to $\frac{2}{5}$ of a dollar an acre.

You favoured me with a draught of your motion for the exclusion of Slavery on the other side of the Ohio. Did it prevail; or was avarice powerful enough to reject it?)

Dear Sir, yr. most humble & obedient servant,

TIM. PICKERING.

✓ T. PICKERING TO R. KING.

PHILA., June 4, 1785.

DEAR SIR :

You wrote me a few weeks since relative to the claim of Virginia for the stipulated indemnification for the expences of their expedition into the Indian Country during the late war. In respect to the *United States*, I believe those expeditions were of little utility, and probably 't is to be regretted that the cession was accepted on the condition referred to. However, the condition having been agreed to must now be performed ; and nought remains but to fix the amount. This must doubtless be a work of some difficulty ; but whether greater or less for the circumstance I am going to mention, I know not. Since I answered your letter on this subject, I have seen Col. Carrington. He told me the State of Virginia (without previous Notice I believe) appointed him their agent (or an agent) to conduct their claim. I asked him the amount ; it had not been ascertained ; the present statement rose to upwards of a hundred thousand pounds, Virga. currency ; and when all the charges were collected, he supposed the amounts would be about two hundred thousand pounds. He added words to the following effect. That these charges would not rest on specific receipts for expenditures, for regular accounts had not been kept, and that their claim must rather be judged of by *arbitrators* than liquidated by *auditors of accounts*. This is a circumstance which I thought of some consequence to communicate ; as *arbitrators* ought to be acquainted with the nature of the service on which the charges have arisen ; much more than if as commissioners they had only to examine duly authenticated vouchers. The time necessary for the discussion he supposed would not exceed one month.

[Yesterday being in company with Mr. Wilson (member of Congress from this State) I observed—That it had been made a question, whether the United States ought to make an additional purchase of the Indians ? He replied “The answer is obvious. They ought to purchase ; if they do not, emigrants will settle on the Indian lands and directly bring on a war.” I remarked that to prevent this, I could wish the Indians might be expressly authorized, by treaty, to break up every settlement within their

territory. It were to be wished, he replied, if such license could be safely granted them. Here the conversation ended.

But if Mr. Wilson's reason for extending the purchase, be a good one, where shall we stop? If we purchase to the Mississippi, still there will be Indian lands to the Northward, as far as the Lake of the Woods—and farther still, beyond any limits that can be named. The emigrants to the frontier lands, referred to by Mr. Wilson, are the least worthy subjects in the United States. They are little less savage than the Indians; and when possessed of the most fertile spots, for want of Industry, live miserably. Instead of cultivating the land, they depend chiefly on hunting, and this disposition urges their advances into the wilderness. As they will be beyond the control of civil government, a well disciplined military force, I suspect will be indispensably necessary to preserve any order in that frontier, and maintain a peace with the Indians. If such savage emigrants encroach on the Indian Territory, or commit any outrages, nothing short of a military force will be able to bring them to Justice. Wherever the boundaries be fixed (and as I said in my former letter, those of the late purchase appear to me sufficiently extensive) there, it strikes me, should the principal military force be stationed. Their commanding officer ought to be a man of judgment & vigour, and of consummate prudence. Perhaps such stations may be taken on the boundary line, as would be convenient for erecting *truck-houses* where traffic and exchanges with the Indians might be carried on, under the protection & controul of the Troops.

If my letters furnish and suggest any hints which may be useful in these public concerns, I shall be gratified—if not, you will receive them as evidences of my wishes to advance the public good.

Your most obedt. serv.,

TIM. PICKERING.

—
E. GERRY TO R. KING.

MARBLEHEAD, June 4, 1785.

DEAR KING :

. . . The Information respecting the federal Court, contained in your favor of the 23d. of May, gives me pleasure. Great Advantages are to be expected on our part by postponement of

the Tryal, & I doubt not you will obtain a Court that under all circumstances will suit you, as well as you could reasonably expect. . . .

Yours sincerely,

E. GERRY.

—
R. KING TO E. GERRY.

NEW YORK, June 5, 1785.

I have yours of the 27th of May, with the history of Electioneering. I am satisfied with all that has been done & with all that has not been done. There is but one piece of information that you give me that I am not content with, and that is your intention to remain until the 15th inst. in Massachusetts; I have for six weeks past daily been saying, that you would be here in twelve or fifteen days; and these assertions have not only been made to the best and most reputable men in Congress, but to a number of the most beautiful women in this city, all of whom laugh at my credulity in believing that you seriously intend leaving Massachusetts this summer. Now, sir, this has become a very serious business; I am not only disappointed in the society of my friend, but I am pointed out as a very weak man in my understanding, and a very great man in faith.

But this aside. Seriously, your friends wish you here, and I have been disappointed in your not returning. However, as you have tarried so long, for the greater good I will consent to your remaining a few days longer for the appointment of Delegates. I wish to know who is talked of, & who will probably be chosen. (You well know the importance to Massachusetts and to the Eastern States, that Massachusetts should always have, not only a full, but an able delegation.) The State requires abilities in the present condition of her affairs; but I fear she will not obtain them; although she hath many able men, who would serve her, provided when they are taking care that the Commonwealth takes no harm, the Commonwealth would take care that their private affairs receive no detriment.

Georgia is represented. North Carolina & Delaware unrepresented. We have eleven States on the floor.

Adieu, my dear Gerry. Yours affectionately,

R. KING.

(A Letter from J. A. states the little prospect of effecting anything from their commercial Commission, and desires that the Commission may not be renewed; if renewed, he requests to be left out of the Commission.) But all this was written before he had knowledge of his appointment to London. (I begin to entertain doubts of the propriety of forming commercial treaties upon the plan of the present instructions to the ministers, and I fear we expose ourselves in offering these Treaties to so many powers—but these are doubts—I have been reading Smith's *Wealth of Nations*; if his theory is just, our plans are all wrong: upon his system, our commerce may be wholly regulated within ourselves without Treaties.) Once more adieu.

R. K.

— E. GERRY TO R. KING.

BOSTON, June 16th, 1785.

MY DEAR KING:

The Legislature this day proceeded to the choice of Delegates. Four only out of five were elected at the first Ballot. You had the highest number of votes, Mr. Gorham the next, Sedgwick & Dane the lowest. Mr. Hancock was the highest on the List of non-elects, and by a second Ballot was appointed.

This is Thursday; on Tuesday next I expect to pass thro' Boston on my way to Congress. I recd. your Land ordinance and think it compleat, excepting the price, which is a 100 pr. ct. too much in my opinion. Your three colleagues are arrived, and I think your Negotiation does you Honor. Adieu.

Yours sincerely,

E. GERRY.

— W. S. SMITH, LONDON, TO R. KING.

" June 15, 1785.

" . . . I find every thing here as agreeable as you & Mr. Gerry were pleased to predict, and flatter myself it will continue so on both sides. I was extremely fortunate in meeting Mr. Adams and his family here almost immediately on my arrival. He very soon announced himself and was introduced to his Majesty George the Third—I have this day just finished the same cere-

mony and am now in pontifical dross—detaching a Line to you.—The court was not very brilliant to-day, nor numerous. The King is very affable and seems to lengthen his speeches in proportion to the station which the Genn. he addresses fills—by this system I found there were several smaller people in the room than myself. So much for the U. S. There was a good deal of staring, & I am pretty confident if their eyes had been burning glasses, your two friends would have been most terribly singed & I should have been deprived of this opportunity to thank you and Mr. Gerry for your friendship and protection.”

✓ W. S. SMITH TO R. KING.

“ WESTMINSTER, LEICESTER SQUARE,
“ July 15, 1785.

“. . . As I have reason to believe it will give you and your friend Mr. Gerrie pleasure, I must repeat my most perfect approbation of the family I have the honour of being connected with. Mr. Adams fully answers your and Mr. Jay’s account of him and the ladies of his family do honour to their country. . . . I attended them to the Queen’s Drawing room; and free from partiality assert that they were fully equal to any there—but this is treason in this Hemisphere. . . . The present is a very important moment for this kingdom and unless they permit their reason to operate and rule, instead of passion and pique in their relation to our Country they will keep possession of the stool of Repentance much longer than they have any idea of—this subject—connected with the fate of the Irish propositions when decided upon—will enable politicians pretty exactly to calculate the Velocity with which the Nation will roll down the political Glacis. If she is determined to tumble, all we have to do is to step a little on one side and give it so much room to fall as not to be affected by the shock—and pointing at despotism & usurpation say *Sic transit Gloria Mundi*.”

Suggesting an increase of his salary, under the consideration that he cannot with propriety live in Mr. Adams’s family as had been contemplated, he says—

“ I mean with Apuleius rather to chuse my allowance, as I

would my coat—rather neat and fit—than too long or too full—for in my opinion whatever exceeds conveniency and moderation turns more to burthen than to use, for I do not mean to make money by my station.”

— J. ADAMS TO R. GERRY.

LONDON, Aug. 26, 1785.

. . . My duty here will oblige me, most probably, to counteract so far as I can the prejudices of the nation and the views of the ministers so constantly that I shall neither have their trumpeters to support my reputation, nor their candour to forgive my errors. They will never get any just ground of complaint against me. I will behave myself towards them in character, but I will do my duty to young Samson, and constantly advise him to preserve his locks. There will still be insinuations to Congress, I doubt not. Let me beg of you and your friend Mr. King to inform me that I may not be ignorant of everything that passes relative to myself as I have been heretofore for many years together . . .

Ever yours,

JOHN ADAMS.*

— JAS. SULLIVAN TO R. KING.

BOSTON, October 25, 1785.

. . . Mr. Parsons is nominated Professor of Law at our University. Mr. J. Adams in his letter to me dated 16th Augt. says “the ministry are very reserved, I can get no answer to anything.” (He speaks highly of our navigation act and is of opinion that we ought to continue it even though the other States should not follow us. Yet the G. C. will repeal or suspend it this session.)

Turion the Consul de France has memorialized against it. S. B. the French agent here does not like it. See how it is &c. &c. The rage is now against exorbitant interest and they are making a law that no man shall have Exn. or hold an office till he swears he has not taken more than six per cent.

Our friend Hancock has been very sick at his Country Seat ; he came into town last evening ; I called upon him, he will soon be better, he has not yet given his answer respecting going to

* Austin's *Life of Gerry*, vol. i., 484.

Congress, but I believe he will go. I told him I thought he would be president if he went : he smiled and said that it would give him great pleasure to meet his old compatriots after the completion of all their wishes and should be glad to serve his Country where he should be most useful so far as his health would admit of—by the by I think the President's chair the Easiest in the Union for an invalid and told him so ; you may expect him before you will have the Representation of all the States.—I am with great sincerity of friendship

JAMES SULLIVAN.

R. KING TO JOHN ADAMS.

NEW YORK, November 2d, 1785.

SIR :

A confidential intimacy with our common friend Mr. Gerry, with whom I have served during the past year, has given me full information of the correspondence which has lately passed between you and him, and it is in consequence of a sentence in your last letter to Mr. Gerry that I take the liberty of addressing this to you. If Mr. Gerry remained in Congress, I should suppose that the communications, which I might make, would not be worth the trouble of your perusal ; but in his absence from Congress, it may be convenient that you should know the opinions entertained by this body, relative to the object of your legation, and other subjects important to America.

If in communicating this information, I shall have not only the honor of corresponding with a great minister, but also the satisfaction of serving my country, I cannot want motives to proceed.

The sentiments uniformly expressed in your official letters to the Secretary of Foreign Affairs since your residence at London meet correspondent opinions in all the States eastward of Maryland. You very well understand the false commercial reasonings and ill-founded policy of the other states. Their present conduct will hereafter be the cause of bitter regret. The Navigation act of Massachusetts you undoubtedly will have seen before this reaches you. New Hampshire has passed a similar law, and other states probably may follow their example ; yet granting that the measure will not become general, still the Confederation has put it in the

choice of the seven or eight eastern states to become great commercial powers. Even admitting what is affirmed in England that the Southern and Eastern states cannot agree in any system of commerce which will oppose to Great Britain commercial disadvantages similar to those which she imposes on our commerce and navigation, yet the eight Eastern states can agree. They have common objects, are under similar embarrassments, would vest adequate powers in Congress to regulate external and internal commerce ; & in case the Southern States *decline*, to vest similar powers in Congress, or to agree in some uniform system ; the former by confederation are *competent* to form, & in the event must form, a sub-confederation remedied of all their present embarrassment.

(This is a matter that will be touched with great delicacy ; the subject is better & better understood every day in America, for it is the general conversation and examination. You, sir, know your countrymen, you have witnessed their enterprize & resolution under superior difficulties. Will they suffer their commerce to languish & expire ? Will not the spirit which dictated the non-importation agreement and which once pervaded these states again appear ? It still exists, and though it may have slept for a time, it can again be roused ; and if once more it becomes vigilant, & can be made active by the pride of independence, the idea of national honor & glory, the present embarrassments of trade & the vain sophisms of Europeans relative thereto, will not only direct but drive America into a system more advantageous than treaties and alliances with all the world—a system which shall cause her to rely on her own ships & her own marines, and to exclude those of all other nations.)

I will not add, be pleased to esteem this as introductory to such opinions prevailing here, as future safe opportunities may authorize me to communicate. If a stranger can without impropriety offer his homage to a lady of distinguished merit, I pray that you will be pleased to make mine acceptable to Mrs. Adams for whose happiness together with that of her companion & daughter I entertain the warmest wishes, and have the honor to be yr. obedient servant

RUFUS KING.

 ✓ JOHN HANCOCK TO R. KING.

BOSTON, Nov. 30.

This day I was favour'd with your Letter of 23d inst. and feel myself exceedingly honour'd by its Contents. I most sincerely wish I could boast of fine health equal to my Desire to render every possible service to my Country ; such as it is, under the present call of Congress, it shall be devoted to them, and I will as quickly as possible undertake the Journey which I hope to be able to effect in ten or twelve Days, and while my health will admit shall use my best exertions to pursue the Business of Congress to their Satisfaction. The intelligence convey'd to me in your Letter was quite unexpected. I had previous to the Reception of it, settled with Mr. Gorham to leave this place with him for Congress the last of next month ; but this Appointment will alter our Arrangement as I must earlier depart and I cannot think of residing at York without Mrs. Hancock and I think you will approve my Determination. When I have the Happiness of seeing you, I shall in person express my obligation to you, which for want of time I am prevented doing on paper, as I have been the whole evening engag'd at the General Court, and it is now twelve o'clock—They propos'd Rising in the forenoon of Tomorrow—that I know you will excuse me and can only add that I am most sensibly affected with this instance of the very respectful notice Congress has exhibited to the Commonwealth of Massachusetts and to me in particular which I hope soon to have an oppor'y of expressing to them and you. I have the honor to be with every Sentiment of Respect and Esteem, Dear sir,

Your obliged & very humble servant

JOHN HANCOCK.

I have scarcely yet Recover'd from a late very severe fit of the Gout, so as to have the free use of my hands, but I must make the best of it, and hope a journey may be of some advantage, tho' I cannot say much in favor of the season for travelling.

 ✎ R. KING TO J. ADAMS.

NEW YORK, December 4th, 1785.

SIR :

I had the honor to write to you under date of the second of November, at which date the Congress of the last year was at the

point of separation to make way for their successors. States sufficient to form a new Congress did not assemble until the 25th ultimo when they proceeded to the choice of a President, and Mr. Hancock although absent was elected, whether he will accept the appointment is uncertain.

Mr. Temple arrived here about ten days since, & having presented his commission, Congress on the 2d inst. passed an Act recognizing him as Consul General. I inclose a copy of the Act which explains itself, and manifests what would be the opinion of Congress on the question in case no commercial treaty should take place between Great Britain & the United States. Perhaps the delays of the British ministry may operate more advantageously to the United States than those acts which now might be esteemed the most liberal and kind. You very well remember that Spain delayed Mr. Jay formerly as England now delays you. The event may be such in the latter case as it was in the former, & the United States hereafter may decline what they once solicited. Time is more favorable to young than to old nations ; the states are more & more embracing the opinion that they must rely upon themselves rather than upon alliances or treaties with foreign nations : the navigation law of Massachusetts has been literally adopted by New Hampshire ; Rhode Island has even gone beyond them ; New York will probably follow their example : Pennsylvania has now a bill before their legislature, the heads whereof as printed in the Gazettes I enclose you ; Maryland will do something, which will strengthen the common cause ; South Carolina had a short session of their Legislature this Autumn, adjourned to meet in January having appointed a respectable committee to prepare a bill for the regulation of navigation & commerce. The rotation of members established by the confederation retained many old delegates to their respective states ; these gentlemen having a more comprehensive knowledge of the affairs of the Confederacy, impressed with the importance of a more close union between the states and a greater uniformity in their laws as they affect foreign powers, will not only exert themselves to produce these desirable objects, but probably will have considerable influence in bringing them forth. The merchants throughout all the states are agreed ; they urge the necessity of commercial regulations, & the sessions of the several

legislatures during the winter will be employed on this subject. The opening of the Budget of the British Minister will not be more important to the Nation than the Acts which the states may probably pass during the winter will be to the United States.

Much time and almost the whole attention of the majority of the citizens of this country have been diverted since the war from public employment, & engaged in the recovery of their private affairs, deranged & injured by the progress of the revolution. The success of their application is almost incredible ; towns have been rebuilt more beautiful on their former ruins, & the waste fields of the husbandman are again inclosed & covered with their flocks and herds. (These citizens will again attend to the public concerns & engage in every measure which can effectually secure their peace & happiness, with the zeal & firmness of freemen. All opinions of the future character of the United States, which are founded upon their measures or pursuits since the war, must for the reasons alluded to, be in a considerable degree erroneous. A few years will exhibit this confederacy in a condition far different from that which is past or is present. The conduct of England discovers their sentiments to the citizens of America, and being known, the latter will be guarded and prepared for every event. Is it so certain, as Englishmen suppose it, that the United States cannot do without them? Is it clear because they prohibit the introduction of our oil into England, & of our fish into their Islands, that therefore our fisheries will languish? How is the fact? France is desirous of purchasing our oil, & it comes to a good market in some other states. (The cod fishery is in a prosperous condition. Plymouth in Massachusetts has as many fishermen, or more as some say, than ever. Marblehead has upwards of forty sail besides boats ; Salem, thirty ; Beverly, 30, Cape Ann 20, & other towns to the eastward in proportion to their wealth. A few months since, these towns had no fishermen : and by the next summer, it is the opinion of good judges, they will have a third more vessels than they now possess ; nor is it probable they will want a market for all the fish they can cure. Are not these circumstances in our favor? They certainly are.)

But I will not be sanguine. On the other hand I see no cause to despair. The letters you wrote to Mr. Jay in August & September, were very satisfactory to Congress, contained much

valuable information & by their timely arrival I hope will produce good effects in the Southern States.

Mr. Gerry who has not yet left me for home, presents his most affectionate regards to you ; some private concerns detain him here for a short time, and I thereby enjoy his good society longer than I expected.

With most faithful consideration I remain &c.,

RUFUS KING.

—
R. KING TO J. ADAMS.

NEW YORK, 10th December, 1785.

SIR :

Mr. Hancock has accepted as President of Congress and will be here in a few days. Seven States have been represented for a few days only since November commenced ; six states only are now represented. . . . A bill passed the House of Representatives of Massachusetts during their Autumn session repealing all the laws preventing the return or residence of tories or refugees to their state, & admitting them on the footing of Aliens. But meeting with opposition in the Senate, it was postponed until the next Session. It passed the House on a division of 141 for and 18 against the bill, the question being taken by yeas & nays.

Although this measure failed, yet the Legislature passed a law relative to the whale fishery which is greatly to be commended & taken as a part of a system is certainly wise & politic. The Navigation act was altered so as to conform it to the commercial treaties entered into by the United States, containing the impositions upon all British commerce. . . .

In great haste &c.

RUFUS KING.

—
J. ADAMS TO R. KING.

GROSVENOR SQUARE, Decr. 23, 1785.

SIR :

I am much obliged to you for your kind letter of the 2d of November, and hope that a Correspondence so agreeably begun may be prosecuted to the Benefit of the Country we have the Honour to serve. Although I may not be personally known to you, the Character uniformly given of your Talents, Application

and public spirit, leave me no room to doubt, that I shall derive much necessary Information from your letters, and if I am not always able to make an equivalent return you will charge the Balance in your favour to the Publick.

Your Letter has given me great Light, and opened a field to view of the highest importance for me to look into.

You will be amused I doubt not with Letters from this Country, which hold up a probability of a Treaty. Political lies enough appear in the Newspapers of my frequent audiences of the King, of my visits to Windsor, and of even the Prince of Wales' Suppers at my house, to make me suspect that such allurements will be held out in America. These Paragraphs are made for the Stock Exchange, and are fabricated by Ministerial Brokers, as I suppose, without the least foundation.

There is indeed a stir at present among some of the Merchants, occasioned by an application of Lord Carmarthen to four Houses for their advice. (But it is not the intention of Ministers to make a Treaty, and my Proposal will be answered by an Act of Parliament, not however before the Spring. It is their Design to regulate the Trade for themselves, and they think themselves so necessary to us, that we shall submit to what they think proper to do.

If the United States could act with Unanimity and Spirit, it would be as much for our advantage to remain unbound as to theirs and more. If the eight States you speak of should pursue the plan you mention, and the other five should only lay on heavy Duties upon British Tonnage and prohibit British Ships from importing anything but the Productions of Great Britain, this might answer. This would cut off Hemp and Duck, Silesia Linnens, Irish Linnens, and all East India Goods, and make this Country tingle in every vein. Irish productions should be carefully distinguished and confined to Irish Bottoms or American. This is a great Point, for immense quantities of Irish Linnens go now to America in British Bottoms.

Joseph Brant was yesterday at the Drawing Room. The Ministerial Runners give out that he is come to demand Compensation for the Indian hunting Grounds ceded by the English at the Peace of the United States, and to get something for himself as half pay as a Colonel.

The inclosed Arrets of France, please to inclose to Mr. Gerry or if you want them in Congress I must beg you to write him an account of them.

I hope, Sir, to hear often from you, and with the Freedom which becomes a Correspondence between Persons whose Aims are for the Public Good, and I pray you to consider as Your Friend and Humble Servt.

JOHN ADAMS.

CHAPTER VI.

Congress of 1785—Difficulty of obtaining Money—Report of a Committee on the System of Imposts—Public Lands as a Source of Revenue—Connecticut cedes Claim to them—New York's Action on Law to levy Duties—Not conformable to Law of Congress—Committee to remonstrate with the Legislature of Pennsylvania—Rufus King and James Monroe—The Manner in which their Mission was conducted—Congress of 1787—Passage of the Land Ordinance of 1787—Mr. King's Agency—Nathan Dane entitled to the Honor of introducing the Anti-Slavery Clause in it.

The new Congress, in which Nathan Dane became for the first time the colleague of Mr. King, commenced its sittings in New York November 7, 1785. We find the same ever recurring difficulty of obtaining funds from the States for defraying the federal expenses, and meeting the interest of the debts, still weighing upon Congress. On February 15, 1786, a committee, of which Mr. King was chairman, made a long and earnest report on the subject, from which it appears that seven States, New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North and South Carolina, had granted the impost asked by Congress the previous year, in such manner that, had the other six States done likewise, the plan of general impost might have gone into operation immediately; that Delaware and Pennsylvania had indeed granted the impost, but connected it with provisos which suspended the operation of their grant until all the other States should fully comply with the injunctions of Congress; and that Rhode Island, New York, Maryland, and Georgia had not decided in favor of any part of the system recommended so urgently by Congress.

The committee, after reviewing the principles of the system recommended, and the hesitation of these States to adopt it, declare "as the result of their inquiries into the nature and operation of the plan, a clear and decided opinion that it is more free from well founded objections, and is better calculated to secure the approbation of the several States, than any other that the wisdom of Congress can devise." To show the utter hopelessness of continuing to rely upon requisitions on the States to supply the necessary funds for the support of government and of the public credit, the report gives an abstract of the receipts from that source into the federal Treasury for four years from November 1, 1781, to January 1, 1786, amounting to \$2,458,000, while the requisitions had called during that period for more than *seven millions*.

The report closed with a series of resolutions, recommending anew to the States which had only partially or conditionally complied with the call of Congress, to abrogate those conditions and make their assent complete; and to the States of Rhode Island, New York, Maryland, and Georgia, which had not adopted the system at all, to pass laws without delay in full conformity with the same.

While looking for revenue from imposts specially as a source whence the interest on the foreign debt and the instalments of principal to fall due from time to time might be paid, Mr. King regarded the public lands as the main security and source of payment of the domestic debt, and therefore lost no fitting opportunity to urge on the surveys, so that the land might be brought into market. On the 9th of May he seconded a resolution of his colleague, Mr. Dane, calling on the geographer of the United States and the surveyors appointed under the land ordinance of the 2d of May preceding, to proceed at once with their work; and again, on the 12th of May, he moved and carried a resolution, in order still further to obviate delay, repeating the clause in that ordinance, directing the surveyor to observe and carefully note on each separate plot the variation of the

needle. On the same day the wise and provident suggestion made in one of Timothy Pickering's letters before cited, that the navigable waters, and portages between them, should forever be free, was carried out, and adopted by Congress in the following resolution, moved by Mr. Grayson of Virginia, and seconded by Mr. King.

"Resolved, That the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, be and are hereby declared to be common highways, and to be forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the Confederation without any tax, duty or impost therefor."

The mode in which Connecticut should cede her claim to the western territory was much discussed and closely watched, as all land questions were, by Mr. King, with whom his colleague, Mr. Dane, acted in concert. The cession was finally accepted after much discussion and many amendments proposed and rejected, in the simple form of yielding the jurisdiction, right, title, and claim of Connecticut for the benefit of the United States.

The State of New York, having on May 4, 1786, passed a law purporting to be in compliance with an act of Congress of April 18, 1783, calling upon the State to invest Congress with the power to levy duties—in order to provide means for making payments of interest and principal of the foreign debt. The law was referred to a committee of which Mr. King was chairman. On July 27th he reported that said law was not in conformity with the call of Congress, because,

1st. Instead of investing "the United States with power to collect the duties therein mentioned, it reserves to the State the sole power of levying and collecting them, according to 'an act imposing duties on goods, wares, and merchandize imported into the said State, passed November 18,

1784,' thereby preventing the operation of the impost in those States which had made the exercise of their power by the United States in Congress assembled an express and indispensable condition of their grants."

2d. That the said law does not make the collectors of said duties amenable to, and removable by, the United States; but subjects them to the jurisdiction of State courts, to be tried and punished for offences against the State law, which is a material departure from the plan recommended by Congress.

3d. That it authorizes such collector to receive the bills of credit emitted by that State under authority of an act of April 18, 1786, equally with gold and silver for duties; so that if New York bills of credit be received for the imposts, principles of equal justice would require the bills of credit emitted by any other State to be received in such State in payment of duties; and so nothing but paper wholly inapplicable to payments of the foreign debt would be received into the Treasury.

The report concluded with a resolution declaring the said law of the State of New York "so essentially variant from the system of imposts recommended by Congress on 18th April, 1783, that the said act is not and cannot be considered a compliance with the law." *

After debating this report and resolution, a substitute for the whole was adopted in order to save time in the following form:

"that a Committee be appointed to draft an ordinance to carry into effect the system of impost recommended to the several States for their adoption on the 18th April, 1783, in conformity with the acts of such States as have complied with the said recommendation, and to take effect as soon as the State of New York shall have passed an act, according to the said system in like manner with the other States, and the States of Pennsylvania and Delaware shall have repealed the clauses in their respective

* *Journals of Congress*, 1786, xi., p. 153.

acts, restraining the operation of their grants of the impost, until the States shall have granted to Congress the supplementary funds and report such further measures as may be necessary to be taken thereon."

In furtherance of the views embodied in the above resolution on Friday, August 11th, Congress adopted a resolution

"for appointing a committee to confer with the Legislature of Pennsylvania in order to explain to them the embarrassed state of the public finances, and to recommend to the said State to repeal the clause in her act granting the impost, which suspends its operation until all the States shall have granted the supplementary funds, so as to enable, on her part, the United States to carry the said system into effect as soon as possible."

Connecticut, New York, Pennsylvania, and Virginia voted against the resolution, but the others, with the exception of Georgia, which was divided, were unanimously for it, and as there were seven votes it was carried; as was also another by a unanimous vote (New York only dissenting) recommending to the Governor of New York to convene the Legislature of that State, in order to make her law conform to the recommendation of Congress. Governor Clinton, in reply to this call, expressed his regret that he could not comply, looking upon himself as constitutionally disabled from such a step, as his authority to convene the Legislature was limited to "*extraordinary occasions*," and that this could not be regarded as such, as at their previous session the Legislature had the identical business before them, and had expressed their pleasure in relation to it. Notwithstanding this letter, Congress took up the report of the committee (made by Mr. King) and adopted it and the resolutions; thus reiterating the call upon the Governor of New York to convene the Legislature.

On August 14th, Mr. King and Mr. Monroe were appointed the committee to confer with the Legislature of

Pennsylvania, and, the Legislature then sitting in Philadelphia, they proceeded to do so. The Journal of Congress reports the result in the few brief words which follow, under date of 25th September :

“The Committee consisting of Mr. King and Mr. Monroe appointed to confer with the Legislature of Pennsylvania report, that in conformity of the act of Congress of the 11th Augt., they have attended and conferred with the Legislature of Pennsylvania, and on the 21st inst. received a letter from the Speaker of the General Assembly of that State, together with their resolution of the same day in reference to the resolve of Congress, and the communication of the Committee, both of which they laid before Congress.”

This, however, was one of the marking incidents in the public life of Rufus King, as it exposed him to an ordeal, which both severely tried and proved him. The dignity and the novelty of the occasion, as well as the deep importance to the United States of success—for the very existence of the Confederacy seemed to be staked at that moment upon the ability of Congress to raise revenue to meet its engagements and provide for the general defence and welfare—caused him to prepare himself with great care and diligence ; and for the first time in his life, and the last, departing from his accustomed cause, he committed to writing the speech he proposed to address to the Legislature and learned it by heart. His previous habit always was, and so after this experiment it continued to be to the close of his public career, to study minutely and elaborately, and in all points of view, any and every question in the discussion of which he meant to take part ; to look out authorities and to make very copious notes : these were finally reduced to a very short brief, or recital of the points in the order in which he meant to discuss them, with here and there, perhaps, a finished phrase or apposite quotation. All the rest was left for the inspiration of the occasion ; and in that way only,

one would think, can real eloquence, that which fires others and catches fire again from the very warmth it kindles, be conceived of.*

In this Pennsylvania mission, however, he essayed to deliver a written speech, and as he was the junior of the two commissioners, it fell to him to open the business. The scene was imposing. The Legislature of Pennsylvania sat in Carpenter's Hall, where oft and again the Continental Congress in the darkest moments of the war of Independence had deliberated and resolved. Many distinguished men sat in the Legislature, and the procedure was a novel one, and on that account attracted much interest. Mr. King had already earned a high reputation for eloquence. He began in all due form, but soon, trammelled by the form of words he had prepared and learned, he became embarrassed, and after vainly struggling for a while to proceed, he turned to his colleague, Mr. Monroe, and begging him to take up the argument, sat down overwhelmed with confusion. Mr. Monroe, of more cool and equable temperament, and without any pretension as a speaker, made a calm, sensible, logical address. During this Mr. King was collecting himself. Rallying his powers and being, as he always was when he undertook to speak, master of his subject, he determined to dismiss from his mind all thought of the written speech and to proceed in his accustomed manner. When Mr. Monroe concluded, Mr. King rose and turning his failure into the form of a compliment to the "august presence," which had

* The above account is from a manuscript of Pres. Charles King.

In a letter of Henry Hill to Washington, 1st October, 1786, are these words :

" I lately had the pleasure of hearing Mr. King's harangue to our assembly on the subject of the commission with which he and Mr. Monroe were charged by Congress. It was truly to the best of my judgment adapted to insure applause even from an Attic audience."

I. P. Brissot, *Nouveau Voyage*, i., 170, says : " M. King, que je vis à ce diner (chez Hamilton) passait pour l'homme le plus éloquent des États Unis. Ce qui me frappa dans lui, c'était sa modestie. Il paraissait ignorer ce qu'il valait."

Bancroft, *Hist. of Constitn.*, vol. ii., p. 397.

thus overawed and embarrassed one like himself unused to public life and public speaking, proceeded to deliver an oration, which was memorable among all who heard it, and which he himself has often said was possibly the best and most effective he ever made. In that day reporting of legislative proceedings was little understood, and no trace remains of the nature, scope, or topics of the speech.*

The next Congress assembled in New York on Monday, November 6th, Mr. King and Nathan Dane appearing as delegates from Massachusetts. Only once or twice was there a quorum present before Saturday, 3d February, on which day, on motion of Mr. Pinckney, of South Carolina,

* William Coleman, "Sketch of Rufus King," in *Delaplaine's Repository*.

"Monroe and I were sent to the Legislature at Phila. The requisition of supplies for the general Treasury were ill complied with, and owing to their insufficiency, the numerous Claimants often went empty away; but such of them as belonged to the States, which were the most punctual in paying into the Treasury their quotas, complained that strangers were paid, when they were dismissed unpaid. In this disorder of the finances, Pennsylvania, which had paid her quota more freely than many others, adopted certain regulations, according to wh. instead of paying her quota into the general Treasury, she assumed to distribute it among her own citizens, holding claims on the general Treasury. This assumption increased the financial embarrassment of Congress, and, if followed, would have put an end to all the contributions from the other States.

"To remonstrate against this course of proceeding by Penna. M. and myself were deputed to her Legislature. Genl. Mifflin was the Speaker of the House, it being before their present Constn., their Legislature consisted only of a single body—Being first named in the mission, it was in course that I should deliver the remonstrance. I had taken a good deal of pains to examine and arrange the matter of my discourse, and having acquired some reputation, felt unusual Solicitude that my performance should not disappoint any expectations that might have existed. The doors of the Legislature were open and the House very full—I had scarcely risen from my chair and addressed the Speaker, before all my thoughts were scattered and my power to recall them wholly gone. Confused and mortified, I had nothing left but to turn to my Colleague, who was sitting by me, and to ask him to take my place wh. he did and I sat down. Monroe went on and presented the views wh. he entertained on the subject. During his Speaking I rallied and recalled my scattered thoughts, became composed, and when Monroe finished, I again presented myself and went thro' my discourse without trepidation and to my own satisfaction."—*R. King's Manuscript Notes*.

all the unfinished business of the last Congress was directed to be taken up. In compliance with this an ordinance for the government of the Northwest Territory, which had been read and discussed in the previous Congress, was read a second time and debated, Mr. King and Mr. Dane acting and voting together. After amendment and order to be transcribed for a third reading, it was not reached until July 13th, there having been *no quorum* from Friday, May 11th to Friday, July 6th. On July 13th the ordinance was read a third time and passed, and is the famous life-giving, liberty-securing ordinance of 1787, which embodies the prohibition of slavery in the Northwest and the various resolutions for education.

Mr. King, who was present at the preliminary discussions of the bill, who, with Mr. Dane, was the only representative from Massachusetts in attendance, and whose early interest and attention had been given to the proper disposal and government of the western lands, left his place in Congress on the 11th of May to proceed to Philadelphia, there to take the seat to which he had been elected by Massachusetts in the convention which framed the federal constitution. But it is obvious from all that has already been said of Mr. King's interest in the subject of the public lands, of his introduction in March, 1785, of the anti-slavery clause, which almost word for word, except the addition of the fugitive-slave clause, is embodied in the great ordinance, and from the insertion in it of the provisions for the perpetual freedom of the navigable waters and carrying-places between them, of the reservations for education, and of the salt springs, that he was in close and constant co-operation with his colleague, Mr. Dane, who drew and reported the famous ordinance and at a favorable moment moved the anti-slavery clause, which was carried without objection, and whose name will be linked in honor with it as long as freedom shall have a votary or slavery a victim.* But it is nevertheless true that

* See letter to R. King, 16th July, 1787. *N. Y. Tribune*, July, 1855. Bancroft, *Hist. of the Constitution*, 2d vol., p. 430.

to Rufus King belongs the first practical suggestion for the immediate and absolute exclusion of slavery from that region, and that to him, too, acting in concurrence with that pure and wise man, T. Pickering, belongs a great share of the merit for the admirable plan on which that great territory was surveyed and for the far-seeing reservation for education and the common welfare stipulated therein.

CHAPTER VII.

Mr. King's Marriage to Mary Alsop in 1786—Sketch of John Alsop—R. King's Love for Massachusetts—Letters to E. Gerry—Desperate Condition of the Confederation—Opposition to Lawyers—Mr. King's Re-election to Congress.

During the years 1785–6, Mr. King, though one of the delegates from Massachusetts, had passed almost the whole time in New York; for Congress, then performing both executive and legislative functions, was in permanency. While thus domiciliated in that city, in consequence of his public duties, Mr. King was married on March 31, 1786,* to

* Mrs. Mary A. Patrick, a great niece of John Alsop, in a letter to Mr. Charles King of New York, without date, gives the following account of Rufus King's marriage :

"During my mother's visit to her cousin, Maria became engaged to Mr. King and married him. The ceremony was performed by Bishop Provoost, and Congress being in session in New York and the bridegroom belonging to it, many of its members attended it ; among others James Monroe and Elbridge Gerry. The youth, beauty and fortune of the bride had made her a great belle and her marriage was a serious disappointment to many aspirants. The wedding was very splendid. Six bridesmaids attended on the bride of whom my mother was one, and at the supper was produced for the first time wine which had been purchased and put aside at the birth of the bride, for this very occasion. The pipe containing it had been bricked up in one of the arches in the house in William Street, facing the termination of Cedar Street—now removed—and had escaped the scrutiny of the British officers, who made their headquarters there. The rest of Mr. Alsop's wine was not so fortunate, but fell into the enemy's possession ; as did an iron chest, containing a quantity of valuable plate and a set of diamonds which had been given Mrs. Alsop by her husband. As there was a pair of pistols in the chest which would explode if force was used to open it, the captors took it to England with them.

"The first time I was in New York, in the spring of 1811, I dined at Mr. King's in Park Place, and a bottle being opened to give Judge Benson some

Mary, the only daughter of John Alsop of New York.* His marriage was communicated in the following letter to his brother-in-law, Dr. Southgate :

NEW YORK, April 12, 1786.

MY DEAR FRIEND :

General politics are so uninteresting to those who are not particularly bound to examine their probable effects—that I have declined writing to you on the subject. My personal concerns have been few since my being in Congress, and I therefore have not troubled you with any notice of them. This silence has not, I hope, been construed into a want of friendship to you or any of the family. Indeed I cherish the truest attachment to you all

cider, it proved to be one of the wine that had been first drunk at Mrs. King's marriage. It had been supposed for several years that none remained. Mr. King kindly remarked that it came to light very appropriately, as one of the Alsop family made her first appearance in the City.

"The day after the wedding Mr. and Mrs. King, with the bridesmaids and groomsmen, went to Jamaica, L. I., for an excursion and were overtaken by a deep fall of snow though in April."

* John Alsop was a native of New York, and a successful merchant. He was from the time of the passage of the Stamp Act, a consistent and firm opponent to the oppressive laws of the British Government against the colonies, and was chairman of the Committee of Correspondence raised in 1774 to agree to measures of resistance after the passage of the Boston Port Bill. He, with others, was unanimously chosen to represent New York City in the first Continental Congress, in which he took his seat on September 14, 1774, and concurred with the measures adopted by it. Chosen again in 1775, he held a similar patriotic course under the instructions of the New York Provincial Congress which had been elected. When, however, the question of Independence came before the Continental Congress, the New York delegates did not vote for the measure, as their instructions looked to peace and harmony—and Mr. Alsop, taking umbrage at the manner in which the New York convention had conveyed their adhesion to the Declaration of Independence to the Congress, and, besides, unwilling to close the door of reconciliation with Great Britain, as he said, resigned his seat in the Congress and retired to Middletown, Conn., until the close of the war. He then returned to New York, where he resumed business, and was unanimously chosen President of the reorganized Chamber of Commerce; as Mr. J. Austin Stevens, in the *Magazine of American History*, says, "a certain testimony to the esteem in which he was held by his fellows, and his undoubted fidelity and attachment to his native land." He continued in business and died Nov. 22, 1794.

and am deeply interested in every event which can affect your happiness or prosperity. My own,—if anything human is certain—are secured by *my late marriage*. My wishes never exceeded my present felicity. When you know my Mrs. King, you will not withhold, what she certainly merits, your genuine friendship and sincere affection. (She is the only child of Mr. John Alsop, long a very respectable and eminent merchant in this city. Mr. Alsop declined business in 1775 with a very handsome fortune, and served a number of years as a delegate in Congress from this State. He is now wholly free from public and private employments) and venerable for his years; and respected by his friends, enjoys the reward of an industrious and virtuous life.

I pray you to communicate this event to each of our family. I am so hurried at this time that I cannot write to Mrs. King* or Dr. Porter.† I hope to see you all in June or July.

Farewell yours affectionately,

RUFUS KING.

In consequence of this marriage, Mr. Alsop at this time strongly urged Mr. King to fix his residence in New York with him. We find, indeed, Mr. E. Gerry under date of April 2, 1786, writing from Boston to Mr. King:

“Some have reported that you propose to reside in New York, but I have authorized my friends to say, that altho’ the father of your amiable lady proposed this, you would not consent to it, but were to return home in the Fall.”

In the answer to this letter, Mr. King, on April 9th, New York, thanking him “for kind congratulations on his marriage,” etc., says at the end:

“I thank you for contradicting the suggestion of my supposed design of residing here.”

* Stepmother of R. King.

† Husband of Pauline, a sister of R. King.

In another letter to Mr. Gerry, June 8th, he writes :

"With respect to myself, although Dalton writes me, that the suggestion has been circulated that I intend quitting Massts. and residing here, I am not anxious to combat the falsehood ; I see the approaching storm that awaits the federal Government, and shall be happier in private than in public life. In either I shall continue, affectionately yours,

"R. KING."

In this connection the following characteristic letters to his friend, E. Gerry, written from New York, interesting not only as showing his love for Massachusetts, but also as containing his views as to the desperate condition of the Confederation, are given.

RUFUS KING TO E. GERRY.

NEW YORK, April 30, 1786.

DEAR SIR :

. . . What will our Essex friends say to you when you quit them for Middlesex ? I know not how it happens, but so it is, that I prefer Massachusetts to any other State, Essex to any other County and Newburyport to any other Town. Some part of this preference is just and I can account for it as a Philosopher ; but why I should prefer one town to another when their situation may be equally pleasing and friends reside in both, I know not.

(We go on in Congress as when you left us. Three days since October only have nine States been on the Floor. Eight are now here, when we shall have nine is a melancholy uncertainty. I proposed a few days since that Congress should resolve, that provided on a certain day, sufficiently distant for information to reach all the States in season, the States were not so represented as to give power to administer the Government, Congress would adjourn without day. Something of this kind must be done. It is a mere farce to remain here as we have done since last October. Foreigners know our situation and the friends of free Governments through the world must regret it.)

Resolves have been passed upon Resolves—and letter after

letter has been sent to the deficient States, and all without the desired effect. (We are without money or the prospect of it in the Federal Treasury ; and the States, many of them, care so little about the Union, that they take no measures to keep a representation in Congress.) The civil list begin to clamour—there is not money to pay them : they are now unpaid for a longer period than since the circulation of Paper Money. The handful of troops over the Ohio are mutinous and desert because they are unpaid. The money borrowed in Europe is exhausted and this very day our Foreign Ministers have it not in their power to receive their salaries for their support.

(Where, my dear friend, will the evils consequent to this inattention in the States terminate? The people of the States do not know their dangerous situation ; this torpor and inactivity should alarm the Guardians of the People ; but indeed the Legislatures seem the least attentive.) Pray think of our situation *and advise me*. I can open my heart with freedom to you ; you are now at home, and will be concerned in the Government of the State. Can there be no means devised whereby Massachusetts can yield something to the common Treasury ? (Since the organization of the Board of Treasury, the State has paid *nothing*. We are told of it in Congress—we justify by declaring that past exertions have exhausted us ; but that we should revive, when the States would accede to such commercial Regulations as would place the American Navigation on *an equal footing* with that of Foreigners.)

This is ostensible—but poor as we are I hope we could do more than we now accomplish—indeed the State neither pays anything to the federal Treasury, nor supports her Delegates. After two or three months notice to Mr. Ivers, I drew upon him and he delayed the payment of my bill in such a manner that I was compelled to draw on my own funds to replace the money received for my Drafts on the Treasury.

This personal affair is of no other importance than to show that everything that concerns the Union or federal affairs is postponed for other considerations. *I can support myself*—and freely would do it, if I can serve our country. But if a dissolution must come—and dissolve our Government will unless the several States immediately exert themselves in its favor—it behoves every one

to withdraw in season to effect, if possible, some sort of personal security. I am not prone to imagine evils, which are improbable—on the other hand, placed in a situation in a high degree responsible, ought I to be silent when my Judgment convinces me that the greatest Danger is near? France *has required* a ratification of the Consular Convention—we have not been so represented this year as to be able even to consider it. You know my disposition and can pity my feelings. Adieu.

R. KING.

— R. KING TO E. GERRY.

May 14.

MY DEAR FRIEND :

(You must know the deranged condition of the confederacy. New York has granted the impost to be paid in paper money & to be collected by officers amenable to & removable by themselves and under regulations formed by their Legislature—This grant you see is a mere name—the consequence is, that Congress not having it in their power to put the impost in operation, no money will come into the federal Treasury.

You may be assured that our Barbary negotiations will issue in a fruitless attempt for peace—instead of 80,000 Dollars, it turns out that 200,000 Guineas will be the least sum necessary to accomplish this object in a proper mode. Will you tell me where the money can be had? Will the merchants lend it or any part of it?

I have letters from Mr. Adams by the ships which arrived last week from London. The New Foundland Bill is renewed, and Mr. Jenkinson, who is of the ministerial party, moved and obtained leave in the Commons to bring in “a Bill vesting in his Majesty the regulation of the intercourse between his Dominions & the U. S. of America”—this procedure demonstrates the sentiments of the Ministry to be against any commercial Treaty—and I look upon the business of Mr. Adams on this subject fully concluded.

An explicit refusal has been given to the demand for the surrender of the Posts; and the refusal grounded on a violation of the treaty in America by the laws passed and existing, creating

"legal impediments to the recovery of the Debts due to the British creditors"—the particular laws are pointed out; and it pleases me to find that there is no complaint agst. any State in New England except Mass., and even that not founded or truly stated. I allude to the Resolve suspending a judgment for interest &c. &c., which I think justifiable and no violation of the Treaty.

These are facts and observations which do not require my comment. (I am mortified as a citizen of an enlightened State, by the publications in Boston defamatory of an order or class of men (lawyers) to which I myself belong. The proceedings of several towns in correspondence with these publications, forbode a confusion which virtuous men must deprecate.) To what length the authors of the measures intend to extend them I am unable to say. One inconvenience only will accrue to me in consequence of them. I intended to have returned home in June—but as the Legislature will then be in session, I am doubtful of doing it, lest it should be supposed I have in contemplation to canvass for a Re-election as a delegate.

Should I return early and resign my trust to which I have no manner of objection, it may be said on the other hand that this measure proceeded from a feat, or conviction, that I should not be re-elected—I am a little embarrassed—(I assure *you as my friend*, that I shall retire the instant, I discover any of those legislative measures, which I think by no means improbable to take place—the correction of abuses is wise, but an indiscriminate attack upon a class of men, prostrating the virtuous citizen with the knave, is wholly unworthy the Justice or moderation of Government. I have a remedy in my power.)

Adieu, my dear friend, yours affectionately,

R. KING.

—
/ R. KING, TO E. GERRY.

June 18.

I intended by this post to have sent you a copy of the North Carolina law granting the Supplementary Funds, but it is very voluminous & the copy is not finished. I fear it will come too late, as I presume your session will be a short one. Connecticut

and New Jersey have finished their sessions without attending to the Confederacy ; the former took into consideration the Requisition of last year, and refused compliance with it ; the latter in their late session did not even treat the subject with the attention it received in Connecticut. You, my dear friend, must know our situation as fully as I do, who am a daily witness of the humiliating condition of the Union. You may depend on it, that the Treasury now is literally without a penny : by anticipations and the collections from Virginia, Maryland and this State, the Board of Treasury have made provision for the Dutch interest which fell due this month. But there is no prospect of their being able to provide for the payments which will be due in January. The posts on the Ohio are not well supplied with military stores—the Secretary at War applied a few days since for *1000 Dollars* for the transportation of the necessary Ammunition to these Posts—the Board of Treasury, urgent as the occasion of this application is allowed to be, explicitly declared their inability to make this pitiful advance.

What are we to expect ? I wish I could see you for a few hours ; it is impolitic to write anything as information which cannot be clearly proved, and yet you and I have been under the fullest conviction of the views and intentions of men, concerning which such clear proof did not exist—be assured that your apprehensions of a certain influence in this State are well founded. Nay farther, the influence is not confined to this State—those men who have hazarded every valuable consideration in the cause of their country, and those who are willing to pursue their example, are now held up to the People, as their Enemies and not their friends—every man who wishes to strengthen the federal Government, and confirm the Union, is represented as unfriendly to the Liberties of the People.

(These expressions of anxiety for the Liberties of the People, come not from those who have lent their Aid in the Day of Adversity, but from those artful and venal miscreants, who withdrew themselves from their country's support, and existed her bitterest enemies—they now successfully gratify their hatred of our Independence by scattering Jealousies among the People.)

I am not vain enough to think my country has much interest *in my services*, but inconsiderable as they truly are, they have been

considered as inconvenient to certain views—I have made it a certainty that a character in this city, which you and I never did, or shall confide in, has industriously communicated to a number of our fellow citizens, that I was in the *interest of New York*, and opposed to Massachusetts, and that I intended to leave the latter and become an Inhabitant of the former. So far as the effect of this measure is personal, I ought not to be anxious—but concerning the objects wished for, I am, and must be, concerned.

The election of Delegates will have taken place before this reaches you, it will therefore require no apology.

Yours affectionately,

R. KING.

The Legislature of Massachusetts, not doubting for a moment that he was still a citizen of that State, re-elected him in June to Congress, which fact was thus announced to him by his early friend Christopher Gore, from Boston, 25th of June, 1786:

“The choice of delegates is concluded. The members are Mr. Gorham, Dr. Holten, Mr. Dane and my friend King. Sedgwick was not chosen, the clamor against lawyers was so great that they preferred Holten to him.”

Mr. Gore continues:

“Tender bills, acts against lawyers, or more truly against law, now occupy the time of the H. of Reps.”

CHAPTER VIII.

Appointment of Commissioners to decide the Contest between Massachusetts and New York relative to Territory claimed by both—R. King among the Members—Increasing financial Difficulties—Interstate commercial Questions led to the Meeting at Annapolis—This was a Failure, except to awaken Attention to serious Embarrassments, by Resolutions and an Address—Letters from R. King respecting it—Gov. Bowdoin's Commutation to the Massachusetts Legislature—R. King's Address to the same—No Action—Shay's Rebellion.

Almost from the first entrance of Mr. King into Congress he had been empowered by the State of Massachusetts, with his colleagues, to agree to the appointment of a federal court for the sake of determining a very important contested question between Massachusetts and New York, as to a large portion of territory claimed by both. The Articles of Confederation had provided for such a court, and the representatives of both States had deferred the whole matter to Congress and judges were actually named, but one after another declined to serve. The controversy dragged on; settlements on the disputed lands were making; and in the end both Massachusetts and New York by special acts gave full power to their agents to arrange among themselves, if they could and as they could, and finally decide this difficult controversy. This was a large discretion confided to the Commissioners, who were, on the part of Massachusetts, John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, and on the part of New York, James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson. They met at Hartford, Connecticut, on November 30, 1786,

and after protracted discussion and negotiation concluded on December 16th an agreement, which, as being final, under the powers conferred upon the commission between the two States, was submitted to Congress on October 8, 1787, and by them sanctioned, by a resolution revoking the commissions of the judges of the federal court previously appointed, and discontinuing all proceedings thereon.

For some reason, however, not now very obvious, Congress would not permit a copy of the agreement entered into by the Commissioners for the settlement of the controversy to be filed in the office of the Secretary; Massachusetts, Connecticut, New York, and Pennsylvania voting to put this paper on file, New Jersey and all the States south of Pennsylvania voting against it.

Though the delegates from Massachusetts, at the seat of government, by not presenting the resolutions of that State to the Congress, had shown their conviction that the country was not yet ready to decide upon any change in the Articles of Confederation, every day's experience was proving its weakness and the danger to its very existence, unless some means of enabling Congress to enforce its decrees should be adopted. The want of an uniform currency, caused by the absence of coin, and the issuance by several of the States of a paper currency, without substantial basis, the consequent embarrassment in commercial transactions, from the uncertain value of this paper, which in some States was made legal tender, the general danger of disrespect to the obligations of contracts arising from this cause, the unwillingness, for various reasons, of the States to pay the imposts laid upon them, the faithful and punctual payment of which would alone enable Congress to meet the foreign and domestic obligations imposed upon them, the general uneasiness under the restraints of law and other influences, were urging forward the crisis in the affairs of the nation.

On February 15, 1786, a committee of Congress of which Mr. King was chairman, with Messrs Pinckney, Kean,

Monroe, and Pettit as colleagues, to which "several reports and documents concerning the system of revenue" were committed, reported among other things, that : *

"In the course of this enquiry, it most clearly appeared, that the requisitions of Congress for eight years past have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future as a source from whence monies are to be drawn to discharge the engagements of the confederacy, definite as they are in time and amount, would be not less dishonorable to the understandings of those who entertain such confidence, than it would be dangerous to the welfare and peace of the Union ; the committee are therefore seriously impressed with the indispensable obligation that Congress are under of representing to the immediate and impartial consideration of the several States the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the States, and the consequent necessity of an early and complete accession of all the States to the revenue system of the 18th of April, 1783."

The Report, which is supposed to have been written by Mr. King, closes thus :

"Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily encreasing, the Committee are of opinion, that it has become the duty of Congress to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad ; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the union, but of those great and invaluable privileges for which they have so arduously and so honorably contended."

* *Journal of Congress*, xi., 36.

Decided as were these statements and urgent the appeal, the resolutions appended to the report were never called up, and no practical measures, though many were discussed, were adopted to meet the emergency, beyond a special appeal to New Jersey to rescind their refusal to comply with the last impost, which was effectual, and resolutions urging upon the other States to pay their quotas when New York, Delaware, and Pennsylvania should repeal their restrictive acts.

Another serious question was forcing itself upon the attention of the country. Commercial intercourse between the different States had been carried on with serious inconvenience and under hostile legislation, and, as in the previous year the embarrassments of the foreign commerce had led to the Massachusetts resolution, so now the Legislature of Maryland, in the desire to arrange the interstate commerce with Virginia, proposed to that State to invite Commissioners from all the States to meet at some central point and endeavor to regulate the commercial questions which were troubling them both, in such a manner as to benefit all.

(After much discussion, the Legislature of Virginia, many of whose members, Madison in particular, earnestly contended for the adoption of some such measure, adopted the suggestion, and towards the end of January, 1786, passed resolutions looking to the enlargement of the powers of Congress to regulate trade.) Commissioners were appointed, of whom Madison was one, to invite, through the Governors of the States, the selection of Commissioners from each, to meet at Annapolis on the first Monday of September next, to endeavor to settle these questions.

To many this appeared to be an opportunity through which much good might be done, and several of the States appointed Commissioners. When the time of meeting arrived, it was found that only five States were represented, New York, New Jersey, Pennsylvania, Delaware, and Virginia, though Massachusetts, upon the receipt of the invitation from Virginia, appointed representatives, who one after another refused to go to the convention ; so that those

who finally accepted and went forward learned that the convention had adjourned while they were on their way to Annapolis.

It would thus appear that the conduct of the Massachusetts deputation in the previous year to ask for a convention to make alterations in the Articles of Confederation, because they felt that such action was premature, was justified by the immediate result of this movement. Because of the present apathy, or, perhaps, rather fear of consequences, nothing could be done by the convention; but the delegates assembled were not willing to separate without drawing up an earnest report from a committee of which John Dickinson was chairman. This report, which was drafted by Hamilton, urged upon the other States "to meet at Philadelphia on the second Monday of next May to consider the situation of the United States, and devise such further provisions as should appear necessary to render the Constitution of the federal Government adequate to the exigencies, and to report to Congress such an Act, as when agreed on by them and confirmed by the Legislatures of every State, would provide for the same."

When this report was received by Congress does not appear in the Journal, nor is there any evidence therein when the Committee appointed to consider it, which reported on February 21, 1787, received their appointment; nor is there any evidence that the matter was discussed in Congress (though R. King in his address, 10th October, before the General Court says it was before Congress), except a letter of Mr. Ed. Carrington to Mr. Madison of the 18th December, 1786,* which says:

"The business of the Convention is well brought forward by Virginia, and I hope their act will be generally adopted; the dereliction of Massachusetts is, however, to be apprehended; the delegation of that State prevented the recommendation of the measure from Congress, as suggested by the deputations at An-

* Bancroft, *Hist. of Constn.*, v. i., p. 269. State Department, Washington, MS.

napolis, and advised its non-adoption in their Legislature. The effect of this advice, I have not been informed of, but the natural supposition is, that nothing was done, in the late session, and there will not be another before the time proposed for the convention of the Deputies. The reasons given by these Gentlemen for their opposition are, that the mode of amending the Confederation is provided by the Act itself—Amendments are to originate with Congress and be agreed to by the States, and that it would derogate from the dignity and weight of that body, to take a secondary position in the business. This is an elevated idea and, in an efficient sovereignty, would be a wise one, &c."

A letter from Mr. King to Mr. John Adams in London explains his views:

NEW YORK, October 2, 1786.

DEAR SIR :

The convention proposed to have been held at Annapolis in the last month on the subject of commerce has terminated without credit or prospect of having done much good. (I inclose you the report which they addressed to their constituents. They were founded in the opinion that an adjustment of the commercial powers of the several States is intimately connected with the other authorities of the Confederacy & of the respective States.)

Whether the States will accede to the proposition of a convention at Philadelphia in May, is yet uncertain. Congress, I think, will not interfere in such a manner as to patronize the project. I am fully convinced that your opinion* is a just & political one, that Congress can do all a convention can, & certainly with more safety to original principles. But we are now separating; the federal year will expire in a few weeks, & little public business will receive an examination before the assembling of the next Congress.

With the highest respect &c,

RUFUS KING.

* See letter of J. Adams, London, June 14, 1786.

"The most alarming circumstance that has happened is the inattention to Congress. That seven states only should be represented for so long a time, when the affairs of the union were in so embarrassed and dangerous a situation is Proof of something so bad that I dare not name it. The proposed convention, it is to be hoped will do good; but I know not why Congress could not have done as well or better."

On October 2, 1786, * Governor Bowdoin announced to the Legislature of Massachusetts that he had received a letter of the 14th September from John Dickinson, Esq., chairman of the Commission lately assembled at Annapolis for the purpose of revising the commercial regulations of the United States, and "accompanied with a copy of their Report to the Legislatures of the States, by whom they were deputed, and it appears by it they had separated without acting upon the business for which they were appointed." The Governor then recites the reasons for their separation without further action, their earnest conviction that something should be done to relieve the embarrassed condition of affairs, and their unanimous conviction that the good of the United States may be essentially advanced by all the States appointing Commissioners to meet in Philadelphia, May next." †

He says also: "A letter from one of our delegates in Congress, the honourable Rufus King, dated at Phila. on Sept. 17th, relative to the same convention, is herewith also communicated." This letter does not appear, but probably suggested his desire to lay before the Legislature the views of his colleagues and himself upon the results of the convention, for on October 19th, the House voted "that the House will attend to such communications as the Hon. R. King may leave (*sic*) before them relative to public affairs to-morrow morning"; on which day he appeared and addressed them, his remarks being thus reported in the *Boston Magazine*: ‡

"That the report of the commercial convention was before Congress—doubts had arisen as to the mode of agreeing upon commercial regulations. The Confederation was the act of the people. No part could be altered without the consent of Congress and confirmation of the several Legislatures. Congress ought,

* *Journal House of Representatives*, 1786, p. 214.

† *Journal House of Representatives*, October 9, 1786, p. 247.

‡ October 12, 1786, pp. 405-7.

therefore, to make the examination first, because if it was done by a convention, no Legislature could have a right to confirm it. Did any Legislature sit for such purpose? No. It must be referred to the people; and then what degree of assent was necessary to make it an article of Confederation? Whereas if it was conducted agreeably to the Confederation, no such difficulty would exist. Besides if Congress should not agree upon a report of a Convention, the most fatal consequences might follow. Congress, therefore, was the proper body to propose alterations."

Speaking further, he concluded his remarks with great earnestness, respecting the present condition of Massachusetts,* and warned of the danger of not combining in the protection of States against internal difficulties. On Nov. 9th Nathan Dane appeared before the General Court, † speaking in the same general direction, and enforcing the views of Mr. King. The Legislature does not appear at that time, to have taken any action on this matter, the Journal not containing any evidence of it, and thus the question rested.

In the meantime very serious troubles had occurred in many, especially the New England, States, arising from causes dating back some years. The people in the interior were discontented, because, in consequence of the commercial restrictions, they were unable to pay the taxes imposed upon them, by the sale of their crops and by the want of a proper circulating medium; Massachusetts, among others, refusing to issue paper money as many of the other States had done. The

* Bancroft, *History of Constitution*, vol. ii., p. 403. A letter of D. Humphreys to Washington says :

"NEW HAVEN, 9th Nov., 1786.

"In Massachusetts the assembly of that State are occupied in removing all the real subjects of hardship and complaint. They have likewise passed a new riot act and given some indications of spirit in support of Government. But still the preparation, and systematic arrangements on the part of the mob, do not cease. You will have seen by the speech of Mr. King, before that legislature that Congress consider themselves as the guarantors of each State government and bound to interfere in its support under certain circumstances."

† *Boston Magazine*, 1786, pp. 439-441.

consequent desire to interfere with the integrity of contracts and to prevent the levying of and collecting of taxes for the fulfilment of the engagements of the State, caused them to demand relief from their troubles, at first quietly, and then in tumultuous assemblages to overawe the courts and to resist their processes, and, finally, in the western counties of Massachusetts to defy the authority of the State. The local authorities finding themselves unable to quell these disturbances, the Governor was called upon to interfere. Threats were made by the malcontents that the courts should not sit, and to meet this as well as other acts of resistance, the Governor had caused a large body of militia to assemble at different times to assist the sheriffs to protect the courts, and thus checked for the moment the outbreak planned by Daniel Shays, but did not stop it. On October 24th,* the General Court passed a resolution, expressing high satisfaction in the measures taken by the Governor and communicated to them by message that day, to suppress the outrageous proceedings in several counties of the State, and their firm resolution to support the constitutional authority and at the same time inquire into and redress all grievances; that they will afford his Excellency all the aid which shall be incumbent on them, and confiding that he will still continue, by the powers vested in him, to enforce due obedience to the authority of the Governor, and especially to support the Supreme Judicial Court to be held in Middlesex in the next week. Disaffection and armed resistance continuing, notwithstanding the efforts that had been made to put an end to them, on February 3, 1787,† the Governor addressed the Legislature, which had been called together, respecting the insurgents, their proceedings, their refusal to desist and accept pardon, their clear and unequivocal perseverance in opposition, as manifested by their proceedings since respecting the judicial courts in several counties, stopping them by

* *Journal H. of Reps.*, 1786.

† *Journal H. of Reps.*, 1787, p. 369.

armed force and compelling even well disposed persons to join them etc., and that the Council had unanimously advised that vigorous and efficient measures should be taken "to protect the courts, aid the civil magistrate, and apprehend the disturbers of the public peace." To do this he had called forth a respectable body of militia under Genl. Lincoln, with orders to carry out the above, and earnestly "urged prosecution of the measures for the good name of the commonwealth to prevent effusion of blood and the spread of insurrection to other commonwealths and even danger to the whole confederation," The next day, the Legislature approved the action of the Governor. On the 5th,* however, the Senate of Massachusetts passed a resolution to request the Governor "to inform Congress of a rebellion existing in this commonwealth and of the means taken to suppress it, and in case of any unforeseen event, that they shall rely on the aid of the United States, agreeably to the Confederation." After several conferences this was concurred in by the House on the 8th.†

About this time it became evident that the vigorous measures under General Lincoln had broken up the rebellion, and it does not appear on the Journal of Congress that the resolution was communicated to them, though on March 2d the Governor informed the Legislature, that he had written to the delegates in Congress, informing them of the rebellion, etc. These outbreaks in all the New England States, though put down by the States themselves, were sufficiently serious to warrant Governor Bowdoin to speak of them, as threatening "even danger to the Confederation," and contributed to press upon all the want of power in Congress to enforce whatever they might decree in case of serious rebellion.

* *Journal H. of Reps.*, 1787, p. 380.

† *Journal H. of Reps.*, p. 397.

CHAPTER IX.

Correspondence—J. Adams relative to Ministers to England—Condition of England—Report that R. King was to be appointed Ambassador to the Hague—B. Lincoln on Condition of the Country—J. Adams on English Regulations of Trade—R. King and E. Gerry on English and American Affairs—R. King to J. Adams on Condition of Country.

GROSVENOR SQUARE, Jan. 22, 1786.

SIR :

Yesterday I was honoured with your letters of the 4th and 10th Decr. The act of Congress respecting the British Consul General, is wise, and well guarded. Nevertheless I think that we should not be so inattentive to Etiquette, as to omit a Proposition for sending a Minister Plenipotentiary. We give up a Point, by receiving a Consul in return for a Minister, which, although it may appear of little consequence in America, is really of some weight among our own People, and of much more in Europe. Republicks have in all ages been quite as attentive to the respect due to their Ambassadors as crowned Heads. Holland, Venice, and Genoa are at this day more studious of this, than any Kings in Europe, whose Dominions are not larger.

The last publick Entry and audience of Ambassadors, in this Country, was insisted on by the Republick of Genoa, at the accession of his present Majesty, and I conjecture that the true reason, why we have no answer from Venice and Genoa is that they think Etiquette required that we should have sent Ministers to them, or at least that Congress should have written a letter to them, announcing their Independance and desire to live in Amity.

I see with Pleasure, that the States are advancing towards unanimity, in Commercial Regulations. They may depend upon it, they have no other Resource, and as they will be obliged to come

into it, and the sooner the better.) The Stocks are mounted up, and Mr. Pitt is about adopting a Plan of Dr. Price, for a Sinking Fund. This will prove an Illusion, but its Brilliancy will dazzle this People.

(Your picture of the Prosperity of our Country, its Agriculture, and Fisheries is a charming one. The acts of Mass. for encouraging the Whale trade, and the alterations of their Navigation Act, I hope will have good effects)—~~inclosed~~ ^{are} some letters from the Marquis de la Fayette, and Mr. Barrett, which I pray you to send to some Friend in Boston as I have not time to copy them. Surely we need not want a Market for Oil. Will you please to present my affectionate Respects to Mr. Hancock, and your other colleagues. I am extremely sorry that the Senate of Massachusetts had less magnanimity than the House. What Reasons they could have against the Return of the Refugees I cannot comprehend—at home they would be impotent, abroad they are mischievous. The News of the vote of the House had apparently a happier effect here. In the Vindication of the Principles of Right, and of great Interests, we should be as decided as Fate; but angry Passions and especially personal Resentment, we should sacrifice like men: great Questions should never be perplexed with unnecessary little ones—a generous Sailor would never puzzle himself to save a Keg of Rum, when he ought to exert himself to save the ship, altho' a Hingham farmer is reported to have once done it.

Mr. Pitt intends to pay the Tories their losses and dismiss them. They will then be obliged to go to Canada, or Nova Scotia, unless they can return to the States, which many of them desire. Why we should continue them, spiteful and troublesome, when they might be made quiet and harmless, I don't know.

I have not received from Mr. Jay, the Commissions you, or Mr. Gerry mentioned, as Consul General. I wish that Congress had been pleased rather to have appointed Coll. Smith. However, when my authority arrives I shall do the best I can—I promise myself much from your future correspondence, as I have received much Pleasure & information from the Past.

With great esteem, yours,

JOHN ADAMS.

THE HON. RUFUS KING, ESQR.

W. S SMITH, LEICESTER SQUARE, LONDON, TO RUFUS KING.

"Jany. 26.

"SIR :

"Yours of the 4th December ult. I have received. It was the only one by that conveyance I got from America. (The account you give of the situation of affairs is particularly pleasing—it is by federal measures alone, and they must be dignified and decided, which can possibly place us in the eyes of Europe in that point of view which our Country really merits—and which the malice and disappointed ambition of this nation has so materially interfered with. We must not permit ourselves to expect any tolerable arrangement with this people until we give them most unequivocal proofs, that a connection with them is by no means necessary to our political existence and that we are fully competent to the administration of our own Governments, without leaning on British Systems or applying to British Councils.)—Never did a nation since the downfall of the Roman Empire, discover more self-sufficiency or intolerable haughtiness of soul than this.—It is true they *are* great & *have* commanded the admiration of the world; who now laugh at their folly which having destroyed the main Pillar of that greatness, does not permit itself to recollect, that the aspiring mind should always accommodate itself to its particular circumstances and ability of action. They still continue to attempt the great career of national importance and have almost persuaded themselves that the Separation of America from this country is very immaterial to *them*.

"They sink the sense of shame in Public pride,
Nor feel the shaft that trembles in their side;
They'll neigh, until some treaty's dreadful blast
Makes them to groan—and then, they'll groan their last.

"You will excuse this sudden Dash at imitation—I could not stop my pen—By the public papers which accompany this, you will note the meeting of the Parliament and the King's Speech—Mr. Adams' letter to you and his publick one to Mr. Jay, renders my observations unnecessary on this subject; and his—tho' short—to the President of Congress which I suppose you will see—must give every necessary leading Idea. I viewed at a small distance the pomp and procession of the King's going to the

House of Lords. It was very magnificent and to *him* must have been distressingly solemn—for notwithstanding the immense crowd of people, there was not a single Shout or Huzza, but ‘‘t was dumb amaze and list’ning silence all,’ and the solemn chiming of the bells of Westminster Abbey was not as is usual interrupted by the shouts of the people. The Nation are at a stand and public bodies free from improper influences seldom applaud without some sufficient ostensible reason.

“It is with particular satisfaction I observe the last paragraph of Mr. A.’s letter to you—for his favorable opinion must give satisfaction to my friends—respecting the Station of Consul General of this Kingdom. And if his wish can yet be complied with, I shall be much flattered—I do not know that there are any emoluments attending the station—but that you know I do not care for. ‘I am not the least covetous of gold nor care I who feeds upon my coal, but if it be a sin to covet honor, I am the most offending soul alive.’ It is the confidence of my country I aspire to—and the acquirement of such knowledge as will enable me to serve her. . . .”

✓J. SULLIVAN TO R. KING.

BOSTON, January 29, 1786.

MY DEAR SIR :

It was not untill this day that I recd. your favour of the first instant. When I wrote you requesting an account of the Consul General of Great Britain, I had not seen, nor did I expect to see, a particular account of his admission and recognition in the Gazette. I have since seen it and it was quite agreeable to my mind. The decided part I took against him heretofore was assumed by my having compleat evidence of his being a British Emissary. It is very immaterial now what he was then. I am so far from wishing any uneasiness with him or his connections (tho’ I approve my past conduct) that I am on the best terms with G. Bowdoin ; he has done me the honor to dine with me and I have frequently dined with him.

You will wonder my dear friend before you cast your eye quite through this letter how I ever write on this or any other subject

save one. On Thursday morning last I felt myself as happy as I wish. I breakfasted with a Lady whom you know that I adored ; she was chearful and gay ; but before eight o'clock P.M. the same day, she was a breathless corpse—For the space of nine hours illness, the skill of Physicians was exhausted in vain attempt to save a life dear to many, but infinitely so to me and her seven children. She now lays by me while I write, but her lips are forever sealed, nor do her frozen eyelids permit those charms which so constantly have beamed pleasure on my soul. I can not, nor ought I to wish to communicate to you the feelings of my heart, but you will pity me, oh ! my friend, you will pity me. A life of gloominess and anxiety now awaits, and had I not now the double charge of these orphans, my earnest prayer would be to go down with her to the silent tomb.

Should you see Mrs. Deaubney, tell her I am as miserable as she once thought me happy.

Adieu my dear King, adieu.

J. SULLIVAN.

S. ADAMS TO R. KING.

BOSTON, January 30, 1786.

MY DEAR SIR :

Capt. Freeman late of the American Army will deliver you this Letter. His Father was one of those Gentlemen in Canada who rendered substantial Service to the Cause of the United States in 1776, when our Army had been very unfortunate in that Country. He supplied some of our wounded and other officers, Prisoners, with necessary hard Money after the Paper Bills of Congress had entirely lost credit there ; so that it may be truly said of him, *They were sick and in prison and he came unto them.*

Capt. Freeman, the Son, is going to N. York to solicit a Reimbursement in his Father's Behalf ; he requests me to introduce him to the Massachusetts Delegates, which I comply with most chearfully for his own Sake ; for being himself in Canada, at that Juncture when our Affairs appeared gloomy in the View of Persons of less Ardor than he possess'd, he there took an active Part

with his native Country and continued in the Army from that time till the End of the War. I beg you to make him known, with my due Regards to your honble. Colleagues and such other Members of Congress as you shall think proper. I am persuaded you will aid him in this prosecution of his affairs, so far as his Father's Claim shall appear to you to be reasonable.

I am with unfeigned Esteem & Respect, &c.

S. ADAMS.

R. KING TO J. ADAMS.

NEW YORK, February 1, 1786.

DEAR SIR :

Seven States only have been represented in Congress since October, of consequence very few questions of national importance have been under the examination of this Assembly. The Meetings of the Legislatures have probably detained many of the delegates, but it is expected that ten States will, within a short period be represented. There is some ground to expect that several of the Southern States will do what is right on the subject of the commercial powers of Congress. . . . New York & Georgia are delinquent states relative to the revenue system. The Legislatures are both in session, and it is greatly to be desired that they should comply with the impost plan before they adjourn. Maryland will undoubtedly pass an act granting the impost conformable to the recommendations of Congress of the 18th of April 1783. Their not having before passed such an act, does not evidence any disinclination, because it is known to have happened from a mistake.

I shall do myself the honor to write to you by a private hand, who leaves this City in a few weeks for London ; the conveyance being secure, I can then write with more freedom. Mr. Gerry is still here, although not in Congress ; he returns soon to Massachusetts with a most amiable wife whom he has married here.

With great respect &c

RUFUS KING.

R. KING TO J. ADAMS.

NEW YORK, February 3, 1786.

SIR :

Mr. Wingrove who some months since arrived here from England with a recommendation from you to Mr. Jay, submitted to Congress a plan for an American commercial establishment in the East Indies. The project was reported to a committee of Congress, who were of opinion that the commercial intercourse between the United States and India would be more prosperous if left unfettered in the hands of private adventurers, than if regulated by any system of a national complexion. This opinion received the approbation of Congress and of consequence Mr. Wingrove is frustrated in his project of an India Establishment.

I am extremely sorry that Mr. Wingrove has had an expensive voyage without benefit and the more so as he appears to be modest & intelligent. He has been well esteemed by several gentlemen of Congress to whom he has been presented, and it is with sincerity that on his request I have written the foregoing.

With great respect &c,

RUFUS KING.

C. GORE TO R. KING.

BOSTON, February 5, 1786.

MY DEAR RUFUS :

Accept my warm acknowledgments for the communications you were so obliging as to make me, relative to a commercial intercourse between England & America. This is certainly an interesting question to both countries. If the inhabitants of the two States were fully convinced of the real advantage each might be to the other, commercial stipulations, I presume, would take place perfectly honourable and beneficial to all parties. The Minister of England, who, doubtless is fearful of taking decisive measures on this subject, unless his countrymen were possess'd of truer notions of the American trade, may plausibly evade the question by objecting to Mr. Adams' want of power.

I feel convinced that the adoption of an alliance, as suggested in your favor of Decr. 24th might be highly injurious to Great Britain. But is such an alliance feasible? The last accounts from Europe seem to evidence a closer connection between England and France than was ever known before, & more liberal regulations of commerce than the two Nations ever enjoyed; and still farther to enlarge this commercial system, Mr Eden has gone to France. You, at the fountain head of politics very probably know the weight of these measures in the great scale, & see them by no means oppos'd to the intended plan between these States, Spain, France, & the Netherlands.

We have a report here, my good Friend that you are going as Ambassador to the Hague. If promotive of your honour & felicity, I sincerely wish it may be true; that it would be greatly honourable to our Country, we are all convinced; & therefore as citizens of America we are anxious to hear it confirm'd. . . .

Your friend Dalton was chosen Speaker of the house of Representatives—necessary absence from Boston till 13th instant was given as an excuse for his non-acceptance of the chair at present. This the House construed as a resignation, and the pious Ward, of Shrewsbury, was elected Speaker for the remr. of this year & has taken the chair accordingly. Constant Freeman, brother of James the Revd. & late a Capt in our Artillery, will soon be in New York, a solicitor to Congress for payment of certain bills of exchange drawn or endors'd by his father during the late war for Support of prisoners. If consistent with your ideas of propriety to assist him in his demand, I am confident you will do it, distinct from considerations of his personal worth; tho' in this view you may rely on him as a man of honour. . . .

Your sincere friend,

C. GORE.

B. LINCOLN TO R. KING.

HINGHAM, Feby. 11, 1786.

That we are drained of our cash, that our trade is embarrassed and our finances deranged are truths which will not be denied. The moment, my dear Sir, these questions are asked, what is to be done under these circumstances? How shall our trade be placed

upon a respectable footing? How shall the interest of each State be advanced, that of the United States be promoted and their dignity be preserved abroad? The common answer is, "Give Congress more power." This answer seems to have satisfied the greatest part of the people at a time when every one knew that Congress was not supported by the different States in the powers with which they are now vested, and when all ought to have considered that there was little to be expected from an augmentation of their powers, while there appeared such an inattention at least, if not an aversion, to execute the recommendations of Congress consequent on the powers delegated.

Were the powers of Congress extended, and should that extension in any degree fall short of a coercive power, and of the means, uncontrollable by the United States, of carrying those powers into effect, we have little reason to suppose that any recommendations, under new and extraordinary powers, would be executed with more punctuality than those recommendations which have appeared with the strongest proofs of their utility and often of their absolute necessity.

The United States, as they are called, seem to be little more than a name. They are not really embarked in the same bottom. They do not consider themselves in that light. Different interests have pointed them, and are now pointing them, to different courses; hence instead of their giving mutual security by pursuing the same point, they really endanger each other by counter movements.

The great question is now agitating, in the different States, whether Congress shall be vested with full and competent powers to regulate the trade of the United States. Some determine in the affirmative, while others are for limiting those powers. Each State which does not grant unconditional powers, makes such reservations as its real or imaginary interest points out; so that, by this mode of proceeding, Congress will probably be so limited, as that they will not have it in their power to form any decided plan. Besides these reservations made by the different States, clearly evince their opinion, that general laws will not do equal justice to all.

It is the language of the Massachusetts, and it seems to be her firm resolution, that none of her produce shall be exported in British bottoms. Why is Massachusetts so sanguine in this.

measure? because it is her interest to be the carriers not only of her own produce, but to become so for her neighbours. Her exports have been few compared with her imports. The carrying trade is therefore an object, as it will greatly aid her means of remittance. Massachusetts will from interest be clear in opinion, that Congress ought to be vested with powers to regulate the trade of the United States, and they will be full in sentiment that none of the produce of the United States ought to be carried out in British bottoms.

What probably will be the language of the southern states on this point? They have neither men or vessels to export their own produce, nor do they wish to have them, while their labourers are more advantageously employed, as they now really are, in the cultivation of Wheat, Tobacco, Rice, Indigo, &c; each of these makes a valuable article of exportation; as also the naval Stores, Flour and Iron with which some of those states abound. It cannot, therefore, in their present situation be their wish to carry their own produce to market. Their interest rather suggests to them the importance of increasing the number of purchasers at their own market. They have felt the blessings of this policy too long, willingly to relinquish it. They will not, in my opinion, soon shut their ports against so valuable a purchaser as is the British merchant, and especially if the information which I have received is true, that the State of Virginia realized the last year two hundred thousand pounds by her tobacco only, by finding a market at home, more than she would have realized, had she sent it abroad at her own risk. Similar advantages have been enjoyed by other states.

There seems to be a different interest between the states arising from the nature of things. We must not wonder they exist, while climates have an influence upon our constitutions, for by this influence we view things thro' very different mediums and determine differently upon the same information. The different climates from the State of New Hampshire to Georgia, yield different productions, which being thrown into the lap of commerce, become the basis on which the trade of the several states respectively must rest. From these causes fountains are formed from which streams are constantly issuing of such different and discordant qualities that they may not be united without producing violent fermentations. Did the United States extend from

East to West, instead of their extending, as they now do, from North to South, their union would, probably, be much more permanent, and they would be easier governed by the same Legislative body than in their present situation. Their interests, views and manners would be, as are the productions of the earth, under the same parallel of Lat. nearly the same.

We are told that such is the nature of the climate in the Southern States, that the necessary labor cannot be performed there, by white inhabitants, and that to import the blacks from Africa is a measure indispensable. While these ideas are entertained by, and influence the actions of, these states, Slavery will be continued, and they remain, in a degree, feeble and defenseless. We might hence suppose, that policy would suggest to them the propriety of their uniting firmly with the Northern States. But it has had quite a different operation. They seeing and feeling their own inability, become jealous of the other States. The moment it is proposed to make the Northern carriers for the Southern States, they startle at the idea and immediately paint in their own minds fleets of ships from the Northern States blocking up their ports. They, at least some of them, suppose that they have too much to fear from the enterprising spirit of the Northern hive, to encourage their marine by making them carriers for the other States. They will therefore, in my opinion, oppose every measure which will have a tendency to encrease our seamen. They may, and probably will, give other reasons for their opposition, while their policy will not let them utter the true ones.

The great inequality of the present representation of the United States in Congress, will be a clog on all, and a total bar to many measures which should take place. A small proportion both of numbers & of the wealth, now govern the whole. This, together with an aversion in some states, to settle and discharge the debts of the United States, especially the domestic, has alarmed many of our citizens, who have been ready to suppose that from these causes, the foundation of the present confederation would be sapped. These things would not have produced any great anxiety in my own mind, had they stood alone, & unconnected with matters and embarrassments, which arise more from necessity. Such I consider those evils, which are consequent on the extent of the United States, their different climates,

their different productions and the different views of the people in consequence thereof. I cannot believe that these States ever will, or ever can, be governed, and all enjoy equal advantages, by laws which have a general operation. Such laws must exist, or we must sacrifice our republican ideas, to a Union of the States. Were we under an absolute Monarch, he might find a remedy. We shall not soon, I trust, make the sad experiment ; some other mode of relief, more consonant to the present temper and genius of the people must be provided.

If the observations I have made are just, the citizens of these States are deceiving themselves, in an expectation that any relief can, or will, be granted them by Congress, under our present system of government. We have not, I think, seen the true causes which have brought on the present distracted state of our affairs ; consequently we have not pointed our ideas to such measures as will give certain relief. As I said in the first part of this letter, people in general seem satisfied, that all would be right if Congress were vested with more powers. I cannot think we shall essentially avail ourselves, were we to extend the powers of Congress to the utmost limits contended for by the most sanguine on that side of the question, while their doings are only recommendatory in their Nature. Besides, in the discussion of every motion, the jarring interests of the different States must be reconciled, or the question, however necessary to the general good, will be lost. That our interests do & will clash, are troubles which will not be questioned. These are the necessary consequences of our great extent, of our difference of climate, Productions, views &c. I do not see how we shall surmount the evils under which we now labor, and prevent our falling into the utmost confusion, disgrace & ruin, but by a division, which might be formed upon such principles as would secure our public creditors, and thereby our public faith, and our after peace & safety by a firm alliance between the divisions.

Thus, my friend, I have freely given you my sentiments on our public affairs, your permission being first obtained. I must, as I wish for light, remind you of your engagement to remark upon them ; and that you would consider these observations as confidential.

With great esteem &c.

B. LINCOLN.

JOHN ADAMS TO R. KING.

GROSVENOR SQUARE, Feb. 14, 1786.

DEAR SIR :

I have enclosed to Mr Ramsay an address to the landed, trading and funded interests of England, which contains some good sense, intermixed here and there with a little folly. Mr Ramsay will be so good as to let you read it, and in return you may let him read the inclosed Principle of the Commutation Act. As the Commerce of the United States begins to run to the East Indies, every thing which may affect it in that branch will be interesting to you.

The revival of the Newfoundland Act which will I suppose be followed by that of the American Intercourse Act, will show you that the Ministry persevere in the system adopted at the Peace, yet without any decided resolution to avow it for perpetuity or any long duration. *It is nevertheless too probable that they will make it perpetual the next year or the year after, if the proceedings of our States do not discourage them.*

It is agreed on all hands that there is a surplus of revenue. The sum is not yet known, and it by no means follows that there will be a surplus next year. Several causes have this year co-operated to increase the taxes, some of which will not exist another year. E. G. The French Comtroller General, Mr De Calonne, last year sent seven hundred and fifty thousand Pounds to England, chiefly in gold, to pay for a quantity of Bullion he bought in Spain and Portugal to coin in France. This has set many wheels in Motion, and by employing many people enabled them to live and pay duties. Many sums of money have come too from America, which I presume cannot, at least I hope will not be sent the next. Yet there are great complaints of the scarcity of Money.

The United States have nothing to do but go on with their Navigation Acts, their Bounties and Duties ; if these Measures should not induce the British Court to do as we wish, they will bring their own reward. It is by a sagacious use of Bounties, Drawbacks, Prohibitions and Duties that the Commerce of the British Empire has become what it is. They will have the same effect upon ours if imitated by us. Why should not Bounties be

given upon Iron manufactured in the United States, and Duties laid upon all imported? There are innumerable other articles which might be thus protected by Duties laid upon Importations and by Bounties upon the Manufacture.

If the present Bounty on Oil is not sufficient, I hope it will be doubled or tripled, so as decidedly to ruin the British Fishery, since they are for Tryalls of skill a Market may certainly be found in France, Spain and Ireland; but if it could not, I would be for increasing the Bounty until we could clearly undersell the English in the City of London; at the same time some measures should be taken to draw home our own whaling Captains and Oarsmen.

It is the opinion of the Foresighted that Grain will be in demand in Europe next summer, because the Crops in Poland not only failed the last Harvest, but what is more important, the seed time was so wet as to give a melancholy prospect for the next year. This I heard from Mr. De Buhaty the Polish Envoy, a few days ago. I am sir, with great regard,

Your humble Servant,

JOHN ADAMS.

/ R. KING TO E. GERRY.

NEW YORK, March 29th, 1786.

We have nine states in Congress and the only act passed since this accession, has been a resolve establishing the salary of the Secretary of the Board of Treasury at 1850 dollars annually. Maryland has acceded to the impost, granted the supplementary funds, and passed the requisition—Georgia has granted the impost—and New York alone is a non complying state. The Assembly have a bill now before them but its issue is extremely doubtful. I am in great haste; this is written at Mr. Alsop's, and to-morrow I hope will complete a connection, on which I rest my honor and hopes of happiness—Dont omit my sincerest regards and respects to your most excellent Mrs. Gerry, and compliments to Kitty I intend seeing you in June if in my power. Adieu. I embrace you my dear friend.

Your's affectionately,

R. KING.

W. S. SMITH, LONDON, TO R. KING.

Feby. 19.

. . . Mr. A's (Adams) letters to you render it almost unnecessary for me to touch on political subjects. You will observe that in the proceedings of Parliament on Friday last, the noted Charles Jenkinson moved to bring in a Bill for the regulation of the intercourse between America & this country, or rather that it should for one year be vested in his Majesty and Council—by way of experiment leave was given accordingly. When this man appears at the head of a Project, America cannot be at a loss what to expect—It will require all her fortitude and all her wisdom to preserve her temper and dignity—for I believe they are determined on a fair experiment how far passion, prejudice & folly can drive this devoted country without raising national resentment. War and revenge is nearest the heart of the King and nothing but the inability of the Nation to carry it on keeps him from showing his colors. Adieu I am your obliged friend,

W. S. SMITH.

/E. GERRY TO R. KING.

BOSTON, March 22, 1786.

MY DEAR KING :

. . . The Assembly are about rising. They have fully comply'd with the Requisition, but have postponed the Supplementary Funds till the next session, or in other words, till the next Legislature shall sit. Several Members of the Assembly have called on me to know whether it will be agreeable to me to attend the House on the subject of the postponement. It is a delicate point to urge a grant, after they have declined it. I have therefore determined not to take my seat, unless by express desire of the House ; in which case I shall give my opinion candidly on the subject. The post is going. Adieu. Yours sincerely,

E. G.

The Senate are very desirous to grant the Supplementary Funds this session, & should it be postponed, I am very sure the Measure will be adopted by ye next Legislature.

E. GERRY TO R. KING.

BOSTON, April 2, 1786.

MY DEAR KING :

Last evening I received a letter from you inclosing a letter from Mr. Adams & informing me, that "a few days hence would give you more Leisure." Those "few days" are now I presume past, & therefore at a risque I shall venture to transmit to you & your lovely bride my sincerest congratulations and those of your Friends Mrs. Gerry & Miss Kitty. The former says you was very secret in your Negotiations, which she had full information of by the first letter she received after her arrival here ; but she shall rely on your visiting her with your lovely girl, as soon as you conveniently can after your arrival in Massachusetts.

Mr. Adams informed me he had inclosed two Arrets of the King of France respecting a 5 p cent Duty imposed on all foreign Fish imported into his West India Islands, and 10 p. cent Bounty on all Fish imported by the subjects of France into Spain, Portugal & Italy. These Arrets he thought it would be necessary to publish ; but on opening my letter, I did not find them, and upon examining the cover I find it was not directed by Mr. Adams or sealed with his seal. Will you be so obliging as to ascertain to whom he delivered the letter, and thro' whose hands it has since passed. . . .

Some have asserted that you proposed to reside in New York, but I have authorized my Friends to say, that altho' the pappu of your amiable Girl proposed this, you would not consent to it, but were to return Home with her in the Fall. . . .

E. GERRY.

R. KING TO E. GERRY.

NEW YORK, April 9, 1786.

MY DEAR GERRY :

I am happy. I wrote you a line the evening before my marriage. We made a jaunt of three days to Jamaica, and are now in Town passing through the usual ceremonies of morning & evening visitors. I am gratified with the politeness of numerous

friends and acquaintances, and shall be satisfied when the present occasion is passed.

I have but a moment to write to you—indeed I have found no time to write to a single friend except the present, which I dedicate to friendship & to you ; apologize to any friend who may think me inattentive and uncommunicative. I will write to you and all my friends, when I am again master of my own Hours. Present me most affectionately to your Mrs. Gerry & Miss Kitty. My *Mary* regrets the want of an acquaintance with a Lady who merits & possesses my warm esteem & your best affections. We shall be better & more intimately acquainted. . . .

Adieu yours most sincerely

R. KING.

R. KING TO E. GERRY.

NEW YORK, April 9, 1786.

MY DEAR FRIEND :

The ceremony is passed and we are entirely happy. It is with the most respectful gratitude that we receive the kind congratulations of your letter, and with the utmost sincerity that we hope an inviolable friendship between our families. Indeed unless the ladies produce unnecessary and extraordinary changes, this friendship must subsist. Mrs. King in return joins me in best respects to Mrs. Gerry, and in assurances that among our first attentions when we arrive in Massachusetts, will be our early visit to Marblehead.

I have nothing in Politicks to communicate new or unexpected. The Indian Treaty at the Miami has succeeded, so far as to have made friends of the Shawanese Tribe, and rendered security to the survey of the western Lands. Nine States were represented five or ten days, but Mr. Livermore is now gone & we have only eight States and two only from New England.

The Letter to you from Mr. Adams came under cover to me, the seal and Direction I believe are Col. Smith's. The Arrets to which you allude Mr. Adams likewise inclosed in a letter to me, with information that he had written that he sent them to you, but recollecting that they might not have come before

Congress, he requested me, should that be the case, to communicate them, and I considered them as important. Mr. Jay is of the same opinion. They will be translated & published. I will see that you have copies; you have well recited their purport. . . . I thank you for contradicting the suggestion of my supposed Design of residing here. Adieu.

R. KING.

R. KING TO E. GERRY.

April 16.

. . . I will look after the Letter of Mr. Adams relative to interest on British Debts and communicate his sentiments by an early post—Indeed I now well remember the marrow of his Argument on that subject, which I never thought a good one; because it was the introduction of an artificial municipal principle of Law, to govern in a case standing on the broad foundation of national Law, and which ought to be determined by the justice of its own circumstances.

Mr. Adams stated to Mr. Pitt that the revolution in America was unlike the case of a war between two independent nations; that the war was not only different but that the effects thereof were various.

That the contracts between individuals of two different countries rest on different laws for their execution, from those which are to carry into effect contracts between subjects of one nation or government. The former depend on the laws of nations, the latter on the municipal laws of the country of which the individuals are subjects—That the condition of war is contemplated in the former instance, but not in the latter—that although in time of war there is a suspension of the Duty to pay the *enemy Creditor*, yet on the restoration of peace the duty returns and retrospects to the commencement of the war; and the principal Debt and the interest ought to be paid. (But in the case of a Division of a nation, by the laws of that country when an entire nation, is the Debt recoverable—One of the laws of the British empire was and is, “that a personal right once suspended is lost

forever": the war between G. Britain & America suspended the several Rights of the individuals of both countries—they were therefore according to British laws lost or destroyed. But, says Mr. Adams, the treaty revived them and took them at the conclusion of the Peace in exactly the same situation in which they were at the commencement of the war—and excluded the period of the war.

This reasoning, as I before remarked, is more artificial than solid in my mind. If the rights of the British creditors were extinguished by the war, as Mr. Adams contends, then there were not in America any British Debtors—if so, what power have Congress or their ministers to assent to a Treaty which shall subject John & James to pay sums of money to subjects of G. Britain and exempt Thomas & Harry, who were as much bound to pay as John & James?

My idea is and uniformly has been, that the exemption of the merchants of America from the payment of Interest depends upon other and more substantial principles than those alluded to by Mr. Adams in his conversation with Mr. Pitt. But, my dear friend, nothing has been agreed on between the King's ministers and Mr. Adams, and the probability is light that any thing will be concluded. Let the question be tried under the Treaty. [I am sorry our state passed any restraining law on the subject, because I think no jury ought or would have given the interest.] Excuse my hurry—I write in the room with three or four chattering girls; I recite opinions incorrectly from my memory, and that memory charged with the contents of an elaborate official letter by hearing it once only read. I will inquire farther—I think I write from self-conviction, that I love & esteem you and that I am affectionately yours

R. KING.

The House of Assembly of New York have agreed to an impost but reserve the power of making the laws for its collection and render the officers accountable to and removable by themselves. This is so great a departure from the system that it amounts to a denial of the Impost.

R. K.

✓ C. GORE TO R. KING.

BOSTON, April 19, 1786.

I most sincerely congratulate you, my dear friend, on your late connection with Miss Alsop. That in this new engagement you may meet with every bliss is my sincere & ardent wish. Will you present my affectionate regards to Mrs. King & pray her to enroll myself & Mrs. Gore among her friends; we shall be happy to be of the number. Our friend Dawes informs me you intend paying us a visit in June. I take it for granted Mrs. King will accompany you. While you stay in this town, you will oblige Mrs. G. & self by making our house your home. We will endeavour to make Mrs. K's time agreeable as possible. This is a favor, my dear Rufus, you must permit us to insist on. All that the warmest friendship & a sincere desire to please can do to render yours and the good lady's visit agreeable you may rely on. . . .

Gov. Bowdoin I believe will be fully reelected as chief magistrate; & Cushing probably his Lieutenant. The politics of this Commonwealth seem not to alter. Constant complaints are heard of the scarcity of Cash and poverty of trade; but our trade I presume will decrease, & being contracted within a narrower sphere must produce advantages to those who are concerned. Many who retail tape & pins must, as they ought to have done years ago, return to labor. I probably misunderstood what you mentioned in a former letter relative to a connection between the United States and the European Continl. powers; that such system might be adopted would afford me great satisfaction; as it would induce G. B. to treat with us on terms of perfect reciprocity. However this may be frugality and a more circumscribed trade are absolutely necessary to our happiness as a people. The funds of the continent, I am in hopes, will soon restore a permanent basis. New York surely will accede to the impost; and I feel confident this state will soon grant the supplementary fund. . . .

Your sincere friend

C. GORE.

R. KING TO E. GERRY.

NEW YORK, April 19, 1786.

DEAR GERRY :

A British Packet arrived yesterday, but nothing important has transpired. . . .

Your friend

R. KING.

Mr. *Anstey* who has come out in the last Packet, is impowered by the Commissioners, who receive and allow the claims of the Refugees, to examine the several offices for the Records of the conveyances of the estates which the Refugees have declared themselves possessed of. Mr. Adams recommends him to Congress at the request of Lord Carmarthen. He is merely a private character.

R. K.

J. SULLIVAN TO R. KING.

"BOSTON, April 23d, 1786.

"MY DEAR SIR :

" . . . Yours of the 15th gives me unfavorable ideas regarding our federal Court. We must look very contemptible if this business should fall through and through. I am perfectly tired of it myself, yet the Commonwealth had better even be at the expence of losing the issue than to have the disgrace of dropping the suit. I hope full powers will be given in the next session of our Legislature to bring the matter to a termination by compromise or in any other way ; in the mean time I trust no exertion will be wanting in our delegates to have a court appointed."

Acknowledging in warm and earnest language his thanks for a sympathizing letter from Rufus King on the death of his wife, expressing his deep sorrow and then congratulating affectionately Rufus King on his marriage, he concludes :

"My dear King pardon this effusion : it may bear the candid eye of a friend like you, but would blush at that of a stranger. I

cannot refrain telling you that the more you rise in the world, the more you will augment my pleasure ; for I do assure you, in the greatest sincerity, that the prosperity of no man on Earth, my Brother not excepted, ever gave me more satisfaction than yours does. Will you oblige me by begging your Lady in my name, to accept Tenders of friendship from a man, who once enjoyed a felicity like yours & whose sole object was to make an amiable woman happy as you will make yours.

“ Adieu my dear King

“ JAMES SULLIVAN.”

/ R. KING TO J. ADAMS.

NEW YORK, May 2, 1786.

DEAR SIR :

Mr. Alsop of this city whom you must recollect as a delegate from this state to Congress in 1775 & 1776, whose daughter I have lately married, requests me to ask your opinion “ whether a refugee, whose estate has been confiscated here, & to an amount exceeding that of his debts, can by the British laws, or the treaty of peace between Great Britain & the United States of America, be compelled by process in the British courts, to pay a debt due to an American citizen antecedent to the late war ? ” The determination of this question is of some importance to Mr. Alsop, & indeed to many others of our countrymen.

It has been objected against such recovery that confiscated estates of the refugees being by the act of confiscation liable to, or by subsequent laws charged with, the payment of their debts, in all cases where the confiscated estate equalled the amount of the debts of any refugee, thereby the state, to whose use the estates confiscated inured, took upon itself to pay the debts and the refugee was discharged ; and being discharged by an American law the treaty could not affect them, for no debt was due from them.

How far these objections are founded is submitted to your good judgment. If the estate of a refugee escaped confiscation,

his American debts must be paid under the treaty. So if the confiscated estate is insufficient to pay the whole of his debts, the deficiency is in like manner recoverable. How then is it in the principal case?

Will you have the goodness to examine this question and oblige Mr. Alsop & myself with your opinion?

With the highest respect I remain &c.

RUFUS KING.

R. KING TO J. ADAMS, LONDON.

Acknowledges the latter's letters of December 23d and January 22d.

" May 4.

" . . . Long before this time, the dispatches from Mr. Jay's Office will have convinced you that Congress entertain the same sentiments which you possess on the subject of an exchange of Ministers between the United States & Great Britain, &c, &c. . . . The court of St. James must send a Minister here of your rank in consequence of the proposal for that purpose, or Congress must recall their Minister from London.

" All admit the duties of his legation have been ably discharged, but little good is to be expected in the present disposition of the British Ministry from a continuation of a minister from our Country—~~at~~ close of the war, there was a general disposition to be intimately allied with G. B.—that disposition has since changed & in some parts does not exist.

" What the effect of the measures, which have caused this change will be, the future must decide. They certainly tend to produce unanimity in America, which will establish our commerce & make our country respectable. The Arrets of France on the Cod Fishery tend to the same purpose. 'America begins to learn that she must depend upon herself for prosperity and happiness.'"

R. KING TO JOHN ADAMS.

NEW YORK, May 5, 1786.

SIR :

(It has undoubtedly been said in England, that the act of Congress of the 15th of February, relative to the federal revenues, is full proof that the United States are in the utmost confusion, & that the Union is nearly dissolved.) Ignorant as the people of England still are of the genius & temper of the citizens of America, it will not be extraordinary that such opinions should be fondly embraced, when in fact the resolutions to which they refer to establish the justice of their conclusions, have produced measures the reverse of their expectations, and most salutary in favor of our union. (If the people are truly informed of their situation, they will eventually accede to such measures as will best secure their freedom and honor.) Rhode Island which had continued five years in opposition to the system of a general impost upon the terms recommended by Congress, passed an act agreeing to the system in consequence of the act of Congress of the 15th of February. Georgia has likewise made the grant, and Maryland has acceded. New York has passed an act upon the subject within a few days ; it has not been before Congress, but if I have heard it truly recited, it is imperfect. However as twelve States have made the grant to the acceptance of Congress, I think there can be little doubt, but that the next assembly of New York will fully accede to the system, & thereby authorize the commencement of a plan of revenue substantial and productive.

That there exists a criminal neglect of several of the states in their most important duties to the confederacy cannot be denied, I hope a reform will take place. The people generally through the confederacy remark that we are at a crisis. Our finances are not on that firm basis, which the riches of our country will authorize without danger to the liberties of our citizens. Our commerce is almost ruined, because jealousies of an unwarrantable nature have been disseminated through the more Southern States. But there is good reason to expect that our finances will be strengthened & made certain, & a proposition has originated in Virginia for a convention of delegates in September from the

several states to agree on such commercial regulations as shall extend the American navigation & promote the trade of the union. The most important states have already appointed delegates for this purpose to assemble in Maryland ; and if anything can be concluded from the general reputation of the delegates already appointed, there is reason to hope that wisdom will govern their deliberations, & that their result will produce an union of opinions on the subject of commercial regulations through all the states.

The situation we are in with the Barbary powers is a great discouragement to certain branches of trade. Wheat may be shipped from America cheaper than has been the case for many years. Produce of all sorts has greatly fallen in its price, but it is difficult to persuade our seamen to navigate unarmed vessels on those seas where the Barbary corsairs cruise. The consequence is, that even our own merchants charter foreign vessels, which are protected from the Barbary cruisers, to carry our produce to market. We are in anxious expectation of the issue of the Barbary negotiations. Every one wishes the abilities of the country were more adequate to an effectual bribery of these powers than they are,—& my own wish always has been that the small sum dedicated for these negotiations had been put into abler hands than those of Mr. Lamb ; but I suppose a better character could not be obtained by the commissioners when he was authorized.

The arrears of the French King relative to the Cod fishery, will materially affect our Eastern brethren. The difference of 15 livres the quintal on the West India fish destroys all competition. Add this further circumstance concerning the West India trade from the Eastern States. You very well know that we took from the Islands large quantities of molasses at a very low price and distilled it into rum with a handsome profit. Since the war the French merchants and planters have gone into the business of distilling their molasses ; of consequence they have increased the price ; and so considerably as to affect the profit of our distillation. For all these disadvantages to which our commerce is exposed, there is a full remedy in the power of the states ; that remedy you have long since discovered & repeatedly recommended. I hope the proper measures will be agreed to ; these inconveniences will urge their adoption ; & in this view are far

from agreeable. They will teach America what she has to learn that her honor, prosperity, riches & glory must depend upon herself.

I pray God, the day may soon arrive when all our fellow citizens may see this subject in the same light that you do ; when this is the case, their natural good sense will dictate the necessary measures.

With great respect &c.

RUFUS KING.

/ R. KING TO E. GERRY.

NEW YORK, May 6, 1786.

DEAR GERRY :

I now enclose you translations of the two arrets concerning the Cod Fishery. Fifteen livres the quintal in favor of the French Fish introduced into the West Indies must destroy all competition. Will you inform me what will be the operation of these arrets on our Fishery. These Regulations were urged by our friend Marbois and will give him peculiar gratification. . . .

Although I informed you in my last that Eight States only were represented and it was quite uncertain when a greater number would be on the Floor, yet the fact now is, that North Carolina & Delaware have come on, and we number Ten States—*two only from New England*—and a number of visionary projects already introduced and proposed to be adopted by Congress. What we shall do, I know not—this is certain that I should feel much happier were the New England States all represented.

No arrivals from Europe, consequently no foreign information. —Nothing domestic has occurred worthy of communication, except that the *Assembly* of New York this day broke up having granted the impost to Congress, to be collected by officers of *their* own appointment and accountable to and removable by the Legislature—the regulations to be of *their* own making and the Duty to be paid in Paper Money, or Specie at the option of the persons paying the Duty. This you observe is a total deviation from the grants of every other State—So we are where we were.

Yrs. affectionately,

RUFUS KING.

CHAPTER X.

Correspondence—R. King's Views as to the Territory south of the Ohio—Treaty with Spain—Navigation of the Mississippi—Conduct of Kentucky towards the Indians—Mr. J. Adams' Opinion, America must depend on herself—State of Foreign Relations; and domestic Conditions—R. King Correspondence with E. Gerry on public Affairs—Insurrection in Massachusetts—Baron Steuben—Massachusetts grants the Requisition for Troops.

— R. KING TO E. GERRY.

“ June 1.

“ I thank you for your two lettters of the 18 & 20 ult. (Every thing here remains in the same situation as when I wrote you last, except that then we had eleven States on the Floor, and now we have only Eight. Delaware and Connecticut being absent and our friend Kean so much out of health as to prevent his attendance.

“ I regret exceedingly that the four Eastern States are not all represented. Massachusetts is the only one of them in Congress. If I could speak to you face to face, I should mention a particular & in my Judgment an important Reason, why the New England States ought to be here at this time—perhaps since the Peace established, there hath not been before Congress a question in the decision of which they wo'd have been more affected. I think however I will mention it to you by this or the next post; possibly you and I may think differently concerning it—should that be the case, I should doubt my own opinion, although the office of Foreign affairs accords with my sentiments. . . .”

— R. KING TO E. GERRY. *

NEW YORK, June 4, 1786.

MY DEAR FRIEND :

I have long entertained doubts concerning the line of conduct, which Congress ought to pursue relative to the Territory of the U. S. Northwest of the Ohio, and am every day more confirmed

* Furnished by Robt. C. Winthrop, Esq. Original in his possession.

in the opinion that no paper engagements, or stipulations, can be formed which will insure a desirable connection between the Atlantic States and those which will be erected to the Northwestward of the Apalachian or Alleghany Mountains, provided the Mississippi is immediately opened. The pursuits and interests of the people on the two sides will be so different, and probably so opposite, that an entire separation must eventually ensue. This consequence appears to me so obvious, that I very much doubt whether the U. S. would ever receive a penny of revenue from the Inhabitants who may settle the Western Territory. Should there be an uninterrupted use of the Mississippi at this time by the citizens of the U. S, I should consider every emigrant to that country from the Atlantic States as forever lost to the Confederacy. Perhaps I am in error, but when they have no interest in an Union inconvenient to them in many points, I can discover no principle, which will attach them to such a connexion. I know not what advantages the Inhabitants of the Western Territory would acquire by becoming members of the Confederacy. They will want no protection ; their location would sufficiently secure them from all foreign hostility ; the exchange of Merchandize, or commerce, would not be across the Apalachian Mountains, but wholly confined to the Mississippi. If these conjectures are just, in true policy ought the U. S. to be very assiduous to encourage their citizens to become settlers of the country beyond the Apalachian ? The object of Congress appears hitherto to have been a sale of this country for the sinking of the domestic debt ; the immediate extinguishment of this debt is certainly a very important consideration ; but it has its price. I suppose that a treaty could be formed between Spain & the U. S. upon principles of exact reciprocity, so that the Citizens of the latter might introduce into the European & African dominions of the former, all sorts of goods & merchandize upon the same terms on which the subjects of Spain could introduce the same articles ; and on the other hand, that the subjects of Spain might import into any of the U. S. all sorts of goods & merchandize, upon the same terms, as the citizens of the U. S. would introduce the same.

I suppose farther, that the Treaty should stipulate that all the Masts, Spars, Timber &c. &c. wanted for the national marine of Spain should be purchased and paid for in the U. S. with specie,

provided the quality of the materials equalled that of the same articles in other countries. I suppose yet farther that the Philippine Islands be opened to the American ships and in consequence the gold and silver of Acapulco placed within their reach. Add to the foregoing an article, not to relinquish the right to the free navigation of the Mississippi, but "*stipulating that the U. S. should forbear to use the navigation of the Mississippi for 20 or 25 years.*" Would not such a treaty be of vast importance to the Atlantic States, particularly to the Western division of them? Would not the Fish, Flour and other products of the U. S. acquire thereby a manifest superiority in Spain over similar commodities of any other country? Would not the conventional forbearance of the use of the Mississippi implicate most strongly the right of the U. S. independent of the Convention or Treaty? If these queries are answered in the affirmative, what objection is there on the part of the U. S. to conclude such a Treaty? This question brings into view the plan of extinguishing the domestic debt by the Sale of the Western Territory, the system whereby it is proposed to govern the people, who shall settle Westward of the Apalachian Mountains, within the U. S., and the ability of the U. S. at this time to contend with Spain in vindicating their right to the free use and navigation of the Mississippi. I am very sensible that the popular opinion throughout the U. S. is in favor of the free navigation of the Mississippi, and the reasons must be strong and important, which could be offered to oppose this opinion. I am also pretty well satisfied that the free navigation of that River will some day be of vast importance to the inhabitants within the Territories of the U. S.; yet admitting, what will not be denied, that Spain will on no condition agree that any people, except those of our Nation, shall navigate the Mississippi, are the U. S. in a condition to assert their right? If you answer this question as I should, (believing as I do that a war with Spain, France, or England would terminate in the loss of the Fisheries, and the restriction of boundaries, perhaps by the Kennebeck on one part and the Apalachian Mountains on the other) is there any substantial objection against an Article in a Treaty with Spain relative to the Mississippi such as is alluded to? It is a consent to what we cannot alter, considering other benefits to be obtained. It must be wisdom then to consent.

But how will this article affect the sale of the Western Territory? The answer which the delegates of Virginia (all of whom are probably deeply interested in the Ohio and Kentucky lands) would give is, that the value of the country west of the Alleghany Mountains depends in a high degree upon the opening of the Mississippi. Admit the fact; it is desired that the U. S. should under these circumstances open that River to their navigation. If so the value placed upon these lands which depends upon the opening of the Mississippi, is an ideal value, at this time. With those therefore who do not wish to involve the U. S. in a war against policy and sound reason, this objection is of little consequence. The lands perhaps will not produce so much under the present circumstances of the Mississippi, as they would if the river was open. But to all persons desirous of becoming settlers, they will sell for a reasonable price and go a good way in extinguishing the domestic debt. But how will such an article affect the intercourse between the inhabitants of the Western Territory and those of the Atlantic States? In my judgment, very favorably. If the former are cut off for a time from any connections, except with the old States, across the mountains, I should not despair that a Government might be instituted so connecting them with the Atlantic States, as would be highly beneficial to them both & promise a considerable trade.

My dear friend, after all, these are but speculative opinions, and I am very doubtful of them, when a variety of influential motives, which seem to promise well for my country, authorizes my assent. I alluded to this subject in my last letter to you; I wish for your counsel; I wish the New England States were here. I pray you to read these remarks with candor, and in confidence. If I had taken time and care to have expressed my sentiments on this subject, I would have requested you to have communicated this paper to your friend Gov. Bowdoin, and prayed through you his advice. I shall be brought to a decision on this question. Congress must determine. If Spain don't conclude a Treaty with the U. S., I think they will endeavour to guard against the Evils they fear from us, by an intimate connexion with Great Britain. I am of a committee now in conference with the Secretary of Foreign Affairs on this subject. Spain should form a treaty with us, in preference to any other nation, and there is no nation

with whom the U. S. could form more beneficial treaties than with Spain and Portugal. Spain will not give up the Mississippi. But I will not add, I write in great haste and in full confidence. If you are at Boston and can consult Mr. Bowdoin, I should thank you to do it. I intended to have written to him relative to the Barbary treaties, but have not been able to find time.

Adieu yours affectionately,

R. KING.

Inform me of the receipt of this and of my last.

R. KING TO E. GERRY.

" June 4.

" Mr. Hancock has sent in his resignation as President and tomorrow I suppose Mr. Gorham will be elected his successor; you understand the meaning of this appointment as well as I can explain it; no state is here from New England except Massachusetts. . . . I have nothing to add but an apology for a long and incorrect letter written to you this morning upon an interesting subject."

R. KING TO E. GERRY.

June 6.

Gorham was this day elected President. Nothing can be done here because the States will not attend.

Yours affectionately

R. KING.

R. KING TO E. GERRY.

June 8.

Possibly an attempt will be made in the General Court to issue Bills of credit. Indeed I am told that this measure will have many advocates and that some persons are confident of its success. You know the Paper Money of Pennsylvania has been for some time in good credit—but within a few days it has depreciated from 15 or 20 per cent. This Depreciation has taken place since the issuing of Paper in the State of New Jersey.

Connecticut *it is said* have refused in their present session to emit a paper medium, but have passed a law enabling the citizens of that State to satisfy any judgment, which may be recovered against them in their Courts by the citizens of any State which has emitted paper in such paper as may be current in the State in which the Creditor is an Inhabitant. The New Jersey paper will certainly depreciate.

Adieu,
R. KING.

R. KING TO E. GERRY.

June 8.

The lawless, and probably unjust, conduct of the inhabitants of Kentucky towards the Indians bordering on the western side of the Ohio has lately occasioned the loss of a number of valuable lives on the frontiers of Virginia—nothing yet exhibited has proved to my mind any association of Tribes against the people on this side of the Ohio ; but the murders which have unfortunately happened have been perpetrated by a few vagrant Indians, who are without a name or tribe.

The Govr. & delegates of Virginia clamour for war against the Indian town and have brought the business before Congress—we are without nine states and the question cannot be examined. I am decidedly against any such war, as I at present understand the situation and state of the affair. I suppose you are now at the General Court ; Sedgwick joined us a few days since. He requests me to inform you that he had signified to Mr. Bacon & some other gentlemen of the House of Representatives that he could not serve as a Delegate after November, and therefore proposed not to be considered as a Candidate.—Since we find *how the Senate was filled* he prays that it may not be considered that he has withdrawn himself as a candidate for the next year's Delegation, lest it would be supposed that he withdrew from an apprehension of a Defeat in the election, grounded on his professional character. I have discharged my engagement by having made the foregoing communication.

With respect to myself, although Dalton writes me, that the

suggestion has been circulated that I intend quitting Massa., residing here, I am not anxious to combat the falsehood. I see the approaching storm that awaits the federal Government, and shall be happier in private than in public life. In either I shall continue affectionately yours,

R. KING.

✓ R. KING TO E. GERRY.

June 11.

I am sorry to see any mention made in Mr. Bowdoin's speech of the payment over from the Treasurer to the War Office of a sum of old emission money to complete the payment of Requisitions made antecedent to the Act of Cong. of the 18 of March 1780 for making the same. If the measure was accomplished, it was sufficient; there existed no necessity for telling all the world of it; we shall hear of it in Congress.

Another mistake (unfortunate just at this moment) is committed by the Govr.; he says that Mass. did not grant to Cong. *the power to levy the impost*; but agreed to levy it themselves, and grant the product—now this is a misrepresentation—examine the Act and you will find that it grants to Congress "*the power to levy &c*" with certain provisos. New York have done just what Gov. Bowdoin says Mass. did; and for that, among other reasons, but principally for that Reason, Congress cannot accept their grant.

Adieu,

R. KING.

✓ J. ADAMS TO R. KING.

LONDON, June 14, 1786.

DEAR SIR:

Yesterday arrived by the Post, your Favours of the 2, 4 & 5 of May.

(Every day will furnish America with fresh Proofs, of the fallacious nature of all her hopes of Prosperity, Grandeur, and Glory, from the friendly disposition of foreign Powers. What-

ever assistance she may ever derive from any of them must be purchased at a greater Price than it will be worth. Reverence thyself is a Precept of private morality, but it is equally applicable and equally necessary to States and Individuals. Know thyself is another of as much importance to both. Our Country is yet more deficient in the latter than in the former.

Credit has been the Inlet to most of the Luxury & Folly which has yet infected our People. He who could devise a method to abolish it forever, would deserve a Statue to his Memory.

Agriculture, Manufactures and Commerce with one another, would soon make it flourish.

The want of Concert & the want of Confidence in each other, and the trifling with public Faith, have emboldened our Rivals, which are all Europe, and have let loose the Barbarians; and altogether have already not only ruined our Navigation and Commerce, but reduced the Price of our Produce. This last will be soon felt, and will arouse the Planters & Farmers. But it will fall much lower, if our Navigation is not attended to; if we depend upon foreign ships, it will dwindle to almost nothing."

The most alarming Circumstance that has happened is the Inattention to Congress. That seven States only should be represented for so long a time, when the affairs of the Union were in so embarrassed and dangerous a situation is Proof of something so bad that I dare not name it.

The proposed Convention, it is to be hoped will do good: but I know not why Congress could not have done as well or better."

The Barbary Powers will not be appeased for less than two or three hundred Thousand Pounds. Congress have such sums to pay in Europe in 1787, that I know not how they will obtain the money. Lay on Duties to pay the Interest, and it may easily be obtained by Loans, but not otherwise. Mr. Lamb was sent by us to Africa, because he was sent by Congress to us. We could easily have found better Men. But it will be in vain to send any body, until he is provided with money sufficient. We must not call it Bribery. We should learn to talk of it, as other nations do, as Gratitude, Generosity, Magnificence, Friendship, Custom, & all that; if we fight them, we shall only increase their

demands, and be obliged to pay them as much more as will make up all the Damage we do them.

(All Nations are contriving to take advantage of us and make Profit & Power out of us, and if Planters & Merchants, North and South, do not unite in measures of Defence, we shall find ourselves a Prey. The Agriculture of the Country will feel the Ruin, when it comes to their turn, as severely as the Merchants.

Immense Quantities of Grain have been sent from England, to Bordeaux and Marseilles this Spring. This demand ought to have been supplied from America. Why was it not? Because of the difficulty of freight.)

Mr. Jay mentions a letter of the 1st of May. This I have not received—it contains perhaps the Sense of Congress, concerning the Exchange of Ministers. I shall punctually obey my orders. Untill every Law of the States is repealed, whether respecting Debts or Tories, which is inconsistent with the Treaty; Untill the Frontier Posts shall be surrendered to us & the Negroes paid for; untill all the States shall have firmly established a System of National Revenue, and taken a decided Resolution in favor of their own Navigation by a peace with the Barbary Powers, as well as giving a clear encouragement to their own ships beyond all others, my situation here will be so unpleasant, that I shall constantly wish to be at home.

To be obliged to embark with my Family in any miserable Merchant Ship or accidental Packet, in the dead of Winter, would be very disagreeable; but if orders should arrive so that I could embark in Season in the Fall, or if they should be delayed till Spring, they would relieve me from a heavy Load.

The poor Prisoners at Algiers, the old Debtors in all the States, the Suitors for Vessels captured after the Armistice, all the Merchants in America, and all the Farmers, are now, or will soon be looking to me for Relief from their distresses, when I know I can do them no service, and all their hopes must depend upon the Measures taken by Congress and their own Legislatures.

I see that Pains are taken in the American Newspapers to hold up to the People hopes and expectations of a change of Counsels here; nothing can be more impolitic, fallacious and

abusive. The eyes of the People ought to be undeceived and opened upon their true situation and real danger.

My affectionate Respects to Mr. Alsop, and to your Lady if you please. With great Esteem, Your most obedient humble Servant,

JOHN ADAMS.

J. ADAMS TO R. KING.

LONDON, June 14, 1786.

DEAR SIR :

(I had heard some time ago, of your marriage with the amiable Daughter of my old Friend Mr. Alsop, as well as that of Mr. Gerry, and of both with the more pleasure, probably as a good Work of the same kind for connecting Massachusetts and New York in the Bands of Love was going on here. Last Sunday under the Right Reverend Sanction of the Archbishop of Canterbury and the Bishop of St. Asaph were married Mr. Smith and Miss Adams. It will be unnatural if federal Purposes are not answered by all these Intermarriages.)

In answer to Mr. Alsop's Question, I have no difficulty in answering, that by Law and Treaty, a Refugee ought to be compellable by Process in the British Courts to pay a debt due to an American Citizen, antecedent to the late war, and this without Regard to or Enquiry concerning his Estate or his other Debts in America. A great Cry and Uproar nevertheless would no doubt in such case be excited, and the Courts would probably suspend and prolong the Process. There will never be an end of Questions and Chicane, until the States repeal all the Laws which impede the Recovery of old Debts in America.

I perceive that according to the Ideas of some, I am sent here to make a new Treaty of Peace, the old one not being agreeable to some Gentlemen who were in debt before the War. This I shall never be able to do. The Treaty as it was was too generally condemned here as too beneficial to us, and the least mention of it sets too great Multitudes in a flame for Ministers to touch it. The ablest Minister this Nation has living, and the Man of the most Influence fell a Sacrifice to it, and it became immediately an

object of so much Delicacy, that the utmost exertions of your Ministers, as Mr. Jay and Dr. Franklin very well know, could not obtain in nine months the alteration of a word of it in the definitive Treaty. It is not likely then that the present young Minister will venture on so hazardous a step.

The affair of Interest generally I suppose depended upon the Usage and the Understanding of the Parties. But neither Custom nor the Understanding of the Parties ever comprehended the Case that has happened. It never was supposed that England would throw us out of their Protection, and make it not only criminal but impossible to trade with her subjects and pay their Demands. And therefore a Jury I think will not give the Interest, during the War.

But a Jury is the only Tribunal to which an appeal may be made, consistently with the Treaty.

(We shall talk forever in vain, My Friend, about the Dignity of our Country, and Federal Systems, if the Feelings of our Countrymen are not more sensibly affected at the sound of those Sacred Words, "Public Faith." If the Faith of the Nation cannot be depended on, like the Laws of Nature it will never be respected nor confided in at home nor abroad. If the People cannot be convinced of the indispensable Importance and Necessity of this Principle, all must be given up to the Guidance of Chance and Accident, factious rage, insidious selfishness and delirious enthusiasm.)

With much Esteem, Dear Sir, I have the Honour to be, Your most obedient and most humble servant,

JOHN ADAMS.

/ R. KING TO E. GERRY.

"June 17.

" . . . (Something ought to be done by the Legislature to counteract New York in their procedure relative to the Western Lands. Our silence will be hereafter urged against us. Many hundred thousands of acres have been sold at the Coffee House, in this city within three days past at public auction. The lands sell from 4/. to 12/. the acre in final settlements—the sales are to be continued.)"

R. KING TO E. GERRY.

" July 2, 1786.

" I am sorry Sedgwick is not elected for the next year's Delegation—he is a virtuous, firm and sensible man. Mr. Sedgwick thinks that in delicacy he ought to resign for the remainder of the year; but I hope to dissuade him from this measure.

" Will you for his information name the candidates, and the state of the Ballots &c. &c. in the late election—Indeed I wish to know the Election history. Perhaps my future conduct *ought to be* governed by it. . . ."

R. KING TO E. GERRY.

July 4.

In consequence of an order of Congress, instead of a public Dinner, a public levée was held from 12 to 3 o'clock at the House of the president, at which were present the Members of Congress, officers of the Great Departments, Foreign Ministers &c. &c. *The Cincinnati* are in the highest prosperity—they celebrate the Day with a splendor, exceeding anything within the practice of Government—of course draw the Huzzas and admiration of the multitude. The Chapter of these Knights appointed a deputation of four members to present the anniversary congratulations to the President & members of Congress—they attended the Levée and I was witness to the degradation of Government in seeing them recd. &c. &c.

Yours &c.,

R. KING.

R. KING TO E. GERRY.

" July 6.

" The commercial treaty with Portugal was signed at London on the 25th of April. Congress are not yet in possession of it, but probably will receive it by the first private American ship from England. You well know the regulation formed in Portugal in favor of the Millers of that country—exertions were not wanting

on the part of the American Ministers to obtain a relaxation of this Regulation, and permission to import into that Kingdom the American Flour—but without any success. The Treaty will not therefore be so extensively beneficial as could have been wished, but such as it is I think it will prove the most valuable Treaty Congress have yet formed regulating commerce.

“The letters from Mr. A. & Mr. F. of Apl. 23 are most explicit that nothing is to be expected from the disposition of the Court of London. The language *there* is, why should we form a commercial Treaty, when we at present pocket all the advantages of the American Commerce without a Treaty?”

R. KING TO E. GERRY.

July 9.

(What effects will flow from the Grant of the supplementary Funds for Massachusetts at present is doubtful—indeed the value of the domestic Debt becomes more and more uncertain. The Advocates for a payment of this Debt upon what they call principles of Justice as applied to the purchasers or speculators are not confined to Massachusetts. The officers of the late Army have most of them sold their certificates, and are now clamorous against their redemption except at a depreciated amount.

Mr. Osgood is decided in his Opinion, that the best mode of conducting this Business, will be an apportionment of the whole Domestic Debt upon the States or in other words for Congress to make a requisition for the whole Principal of the Domestic Debt, & leave it to the States to arrange the payment with their citizens as they may please.)

Adieu. Yours,

R. KING.

I have inquired of Mr. Thompson if he could give any information relative to the failure of letters &c—he says that a letter from him covering one to Mrs. Gerry from her Brother in the East Indies has miscarried. I cannot account for it unless the failure is in the Post Office. Seymour has always delivered the letters from you and I believe has been faithful. The letters from Mr. Thompson I have always covered and sent them safe to the P. Office. I shall mention the subject to ye Post Master Genl.

R. KING TO E. GERRY.

" Aug. 5.

" Congress on Wednesday passed a requisition for supplies—I enclose a copy ; it is indeed but a copy of the Requisition of the last year. How far the States can or will comply with this requisition God only knows.

" Worcester, Middlesex & Bristol, the Newspapers inform us have been in County convention for the Redress of Grievances. The three Counties in Maine it is said are to meet in September. What does all this mean? Are our Countrymen incapable of a free Government—or does all originate from the defect of the federal Constitution?

" If any person goes to the Maryland convention from our State, I hope you will attend."

R. KING, N. Y., TO E. GERRY.

" Aug. 13.

" Col. Henley called on me this morning and made me happy with the information that you was settled at Cambridge—this intelligence is the first I have heard of you for many weeks—have you forgot me? Indeed I am afraid you have.

" We are now warmly interested in the question, which I some time since communicated to you, & which is considered as very important by the Speculators in the western Lands. How Congress will determine is very uncertain. Our Fish and every article we sell in Spain, is sold upon the Footing of the most favored nation in that country—this is favor & not right—Should we embarrass ourselves in the attempts of imprudent men to navigate the Mississippi below the northern boundary of Florida, we can expect no favors from the Spanish Government. England is our rival in the Fisheries, France does not wish us prosperity in this branch of commerce, if we embroil ourselves with Spain, what have we to expect on this subject? The answer is too obvious & important to leave a Doubt of the policy of forming a treaty of commerce between the U. S. & Spain.

" I do not learn who is coming on to join the proposed commer-

cial convention at Annapolis. The Virginians suppose much good will come from their Wisdom—I hope if any person goes you will not remain at home. I hear nothing from the federal Court agents. I have written to them once and again, but they are silent—will you inform me what you apprehend their intentions are? We requested their advice in electing a Judge in the room of Col. Monroe—they have not acknowledged the Receipt of our letter. We intend appointing Mr. Hooper of N. Car. conceiving he is the best man on the List. I know nothing of him. . . .”

✓ R. KING, N. Y., TO E. GERRY.

Aug. 26.

The Boston papers mention as from authority that the Executive intends convening the Legislature at an earlier day than that to which it stands adjourned; the object of an earlier meeting being the late Requisition of Congress, &c. I cannot judge of the propriety of the proposed measure with as much justice as you who are on the spot, and know the temper of the People.

But I had concluded the distance of the Day of the next meeting of the General Court as a very fortunate event in the present disposition of the people.

The paper money of Rhode Island will have destroyed itself and left an useful Lesson to the neighbouring States before the first of February. The sober part of the community will prevail over those turbulent characters who are now moving the people for Convention, Reform &c, &c.

If so the conduct of the Legislature will promise more temperance & wisdom in a remote than in an early meeting.

Inclosed you have a report which Congress agreed to on the 23d instant—you will from this observe that we are, as the lawyers say, at issue with New York. The Governor, it is said, will not convene the Legislature. If he does not, I think I don't hazard much in saying, that he is the only one of the thirteen who would under similar circumstances refuse—I presume I shall not be suspected of any great partiality for this State when it is known that I have not been the last man in urging the adoption of this measure. My Idea is, that Congress should do every thing in

their power for the public Good. If the misfortune attending a want of national Faith and Honor must fall on our country, let the whole world say that Congress stand acquitted. Adieu.

Yours with affection,

R. KING.

I write currente calamo—you will be my apologist as you are my friend.

R. KING TO J. ADAMS IN LONDON.

NEW YORK, October 3d, 1786.

DEAR SIR :

(You will undoubtedly hear much of the tumultuous & irregular conduct of a considerably numerous class of people in the western counties of Massachusetts.) The same temper which appears to have collected these illegal assemblies in Massachusetts, has shown itself in New Hampshire, but Gen. Sullivan, who is now President of that state, by very proper & decisive measures has put an end to these unjustifiable proceedings in that country. (Perhaps in Massachusetts, considering the prostrate condition of our commerce, the government have pressed the subject of taxes, of *the direct kind*, beyond what prudence would authorize.) The amount of them laid on the citizens of that state in one form or another, and for the purposes of the union, the state, and the counties & towns, including the support of the clergy & the town schools, in the course of the year 1786, will not be less than the sum of one million and a half of dollars. The whole of this sum, excepting about \$250,000 or \$300,000, which are raised by imposts or excises, must be raised from the people by an immediate and direct apportionment upon the polls and estates of the inhabitants. (Perhaps this apportionment may be nearly equal to one third part of the rents, or incomes of the estates of all the inhabitants.

The operation of these heavy taxes, in connexion with the pressure of the creditors upon their debtors for their private demands has occasioned an opposition to the judicial courts in the counties of Middlesex, Bristol, Worcester, Hampshire & Berkshire; and the opposition has been so considerable, that in some of these counties, the lower court has been obliged to adjourn without doing

any business. The General Court are now sitting, and without doubt they will pursue such measures as shall redress all the real grievances of the people, and establish the honor & energy of our government.

You will see this business greatly magnified and tories may rejoice, but all will be well.

With sincere respect &c.,

RUFUS KING.

—
R. KING TO E. GERRY.

NEW YORK, Oct. 19th, 1786.

DEAR GERRY :

I mentioned to you my apprehension of a very dangerous and extensive Indian war. On my return here I found my fears but too well founded ; Georgia & Virginia are in arms. The protection of the citizens of the states bordering on the Ohio is required of Congress. You know that we have entertained well founded expectations of discharging a large portion of the federal domestic Debt by the sales of the Western Lands ; the Indians now appear to have united to oppose the survey and settlement of that country. This combination is most unjust since we have fairly and bona fide extinguished their claims. The monies expended in Treaties with, and presents to, these very Indians, since the year 1775, will exceed a hundred thousand specie Dollars. This is too much to lose. To do ourselves justice and protect the frontiers together with the surveys of the Indian cessions, Congress this day resolved to augment the federal troops to a legionary corps to consist of two thousand men : the cavalry amounting to one hundred and twenty men are quotaed on Maryland & Virginia, the infantry & artillery are quotaed upon the four Eastern States.

viz :	New Hampshire	260
	Massa.	660
	R. Island	120
	Connt.	180
	—	1220,

The troops now in service are from Pennsylvania, New Jersey, New York and Connecticut. When these men were raised, our Legislature not being called on for any part of them, passed an

instruction to their Delegates, that in case any more men should be required, the Legislature would choose to furnish their quota. We therefore met the wishes of Congress in agreeing that our quota of the troops now required should stand so large a proportion of the whole number. The act is not quite completed; I hope it will be forwarded on Saturday or Monday. But you must impress upon the minds of *our monied friends the indispensable necessity* of a loan of monies upon an engagement of Congress of a reimbursement from existing requisition, or some other funds.

R. KING.

R. KING to J. ADAMS.

NEW YORK, November 1, 1786.

DEAR SIR :

I do myself the honor of introducing to your civilities Dr. Provost, chaplain to Congress & rector of the Episcopal Church in this city. The Dr. goes to England for consecration as a Bishop. His very amiable private character, his exemplary conduct in his profession, & his firm attachment to the freedom & happiness of mankind have very justly endeared him to his friends and countrymen.

It would afford me the highest honor & pleasure, if this letter should prove a motive of the kindest attentions from you & your good family in his favor. In addition to the pleasure you must receive from an acquaintance with this most excellent man, you will thereby acquire the most certain information relative to the present and past condition of our country.

With perfect respect &c.

RUFUS KING.

R. KING TO E. GERRY.

NEW YORK, Nov. 5th, 1786.

MY DEAR FRIEND :

We are encouraged in our Hopes & Wishes for the Safety and honor of the commonwealth by the Papers & Letters which the last Post brought us. Persevere and you will establish the authority of Government. While I reverence the principles of

Justice, and earnestly desire that the Constitution and Laws may be superior to all opposition, I feel compassion for those ignorant and misguided men, who have thoughtlessly joined in measures unauthorized by their sober Reflection. You have supposed that no men of consideration have been united with the leaders of the Insurgents. It has been taken for granted that no *external* council or aid has been, or would be, afforded them.

(But be assured, that neither you nor I comprehend the combination, which these insurgents may in possible Events be able to form. Let them shew their condition & numbers, and advance a little farther in open resistance of the Government, and a scene will then present itself of far more importance than has yet been conjectured.

There will not be wanting leaders of name and consideration to conduct them. We all have our preferences and aversions, and perhaps in general they are both alike unfounded. I confess, however, that with the single exception of one French nobleman, I have always been more willing to confide in the citizens of our Country, novel as their employments have been, than in the most plausible, or experienced, Foreigners who have been among us.) Although in some instances we may have received benefits from Foreigners in the public service, yet I have rejoiced when the obligation has been discharged and they have quitted America.

Some Adventurers yet remain ; they have their Rendezvous and their Leader.* Concerning *his merits and pretensions*, even you & I my Friend, have held different opinions. I know that he was a Soldier of Fortune and a mercenary in Europe ; and notwithstanding his affected Philanthropy and artificial Gentleness, I hold his character the same in America : the only difference is this ; in Europe he received little money, and less Flattery. In America, the Sovereign of it, having added bounty to the exact Justice and possessed him of real monies exceeding in amount the life aggregate of the Revenues of a prince of the German Empire, he has, from this circumstance of preference and from the adulation of sycophants, been buoyed up to the pre-

* On a copy R. King has endorsed " Copy of a letter to Mr. Gerry relative of Baron Steuben."

posterior Belief, that his military Talents are superior to those of any Soldier in America. "*Alieni appetens, sui profusus*" was the character of the man who plotted the destruction of Rome ; the same Dispositions and the like desperate Fortune mark the man who openly justifies the Conduct of the Insurgents, and who will head them, if their cause prospers. I inclose you his performance of the 1st instant, under the signature of "*Bellisarius*." These opinions are his hourly conversation. Farewell—Remember that the times are critical and that I write in confidence.

RUFUS KING.

[Endorsed]

"ANECDOTE OF THE BARON DE STEUBEN.

"Previously to the Departure of Baron de Steuben from Paris to America the Comte de Maurepas, who was then of the administration of Versailles, informed the Baron that the situation of America rendered that country a proper theatre for men of military Genius & Talents,—that they would receive Honor and acquire Glory—that the courts of Madrid & Versailles would unite in giving countenance to such characters wh. shd. serve in America &c. &c. In consequence of this information the Baron came to America. He considered himself as under the patronage of the French Court, conferred with the Chevalier de Luzerne while minister from Versailles in America—induced that minister to write to some of the French Ministry after the Death of Maurepas, representing his Expectations & Dependence on their patronage. After the conclusion of the American War, altho' the Baron recd. the full emoluments of an American Officer who served through the whole contest, the Baron addressed a memorial to the Comte de Vergennes, or some other minister of the King of France, stating the conversation which passed between Comte de Maurepas & him, his reliance upon the assurances of that minister, his conduct in consequence, &c, &c, and claiming a recompense—such as a command in the French Army, or a Government—placing his services on a footing with Rocham-

beau's. The memorial was not answered, or if answered, it was unsatisfactory. Hence the Baron is rancorous against France."

This anecdote was related to me by Genl. Knox on the 23d Dec. 1786. The Genl. added that the Baron himself gave him the information which forms the substance of the anecdote.

R. KING.

NEW YORK, 24th Dec., 1786.

C. GORE TO R. KING, NEW YORK.

"Nov. 7, 1786.

" . . . The legislature easily and readily complied with the requisition of Congress for 660 men—and the only difficulty will be, in obtaining money for the enlistment. (You well know the poverty of Mass. Treasury & the little confidence placed in Govt. by men of property—but, even these inconveniences may be remedied, if the Govt. will only show a disposition to be honest, & the general good becomes the object of a few, who might be leading men, in the house of Representatives. But a tender law, an act of suspending all legal processes, are not only winked at, but even supported by some political wise-acres, who wish and are weak enough to think, by sacrificing private contracts, they may support public debts. They have gone further—those, who never before attempted to speak in that assembly, on this occasion offer'd their opinion that such acts wou'd be conformable to the treaty of peace with Great Britain. However the Senate yet has, & I trust will for this session at least, stand firm opposers against all invasions of our constitutional rights. Shays has order'd the people to be in readiness to defend their persons and property agt. the oppressive Acts of the Genl. Court; but this notwithstanding, & altho' his orders are in writing, a stupid languor or disgraceful fear possesses the minds and marks the doings of the house of representatives. They dare not accede to the address to the people, the outlines of which you see in the public prints. Perhaps they may do better, and I hope in God they will. We really had a respectable militia at Cambridge consisting of 2,069 men, and as many more at 6 hours notice might have been called in.

"We hear that Genl. Jackson is to command the new raised regiment; if it had been perfectly consistent with Genl. Jackson's wishes, I should have receiv'd great pleasure in seeing Genl. Brooks provided for by this appointment. He is a most worthy man, embarrassed in his private affairs, & has no means of support. Hull, whom I believe you know, has had an offer of the first majority in this regiment and will accept, if he can retain the same rank as in the Continental army, & he has reason to suppose the appointment will be permanent. . . ."

/ C. GORE, BOSTON, TO R. KING.

" Nov. 26, 1786.

" . . . Col. Hull has accepted the first majority under Genl. Jackson—for which I am sincerely glad, as he is a virtuous man; somewhat of a scholar and very much of a liberal gentleman—add to this his property in possession and expectancy is considerable. . . . We hear reports and rumours of Shays and mighty armies intending an attack on Cambridge and the Court of Common Pleas on Tuesday next; but they do not come in such a manner as to claim belief. I wish it was generally believ'd that an attack on property & a subversion of the Government was intended, for so great a languor, so little spirit I never knew. £500 only have yet been subscribed to lend Govt. to raise the federal troops; altho' it is to be refunded out of the present tax, and though it is generally thought that those troops are to be raised to support the authority of Mass.

"Subscriptions are

£100. Pat. Jeff.	£8. W. Powell
45. D. Sears	30. S. Breck
30. E. Payne	15. C. Jarvis
30. E. Parsons	100. T. Russel—as I hear
20. J. Amory	30. J. Mason.

"Is not this dreadful? This is directed to Hartford. I expect to see you here in ten or twelve days as I am informed this will be your intention after your business is completed at Connecticut. You will be at home with us. Farewell."

E. GERRY TO R. KING.

CAMBRIDGE, 29 NOV., 1786.

MY DEAR FRIEND :

I am favoured with yours of the 19th, & yesterday the Legislature voted to comply with the Requisition. Some however of the country members laugh and say the Indian war is only a political one to obtain a standing Army.

I have lately received information which I wish you would communicate to Mr. Jay, Mr. Osgood & such other (the fewer the better) of our confidential Friends as you may think proper to mature a plan for fully investigating the matter. It is this, that there has been lately & is soon to be again, at Vermont a meeting of a number of persons for the purpose of reuniting the American States to the Government of Great Britain. The Gentleman, who communicated this to me, has been heretofore attached to the British Government, and was apply'd to by a person in the secret of the mal-contents; but having a large property in our Funds is deeply interested in supporting the Government. He would not mention the name of his Friend in the secret, but says he was not at the meeting and gave Information that Colonel F—tch of W—ndh—m in Connecticut was at the meeting. This man was notoriously opposed to the Revolution and has great influence; and by keeping a spy on him, perhaps you will discover the rest. If Mr. Jay was to give Congress official Information, that money was necessary for secret services, & to hint the matter obscurely, he could procure Emissaries to blow up the plot. I will endeavour to get further information from my Informant; but he says he will not discover his Friend, let the Consequence be as it will.

The Superior Court are to meet at this place the 31st, & this evening the Ground is possessed by five Companies of Artillery &c from Boston, who are to be reinforced by a large Body of Militia to-morrow Morning. So that you see the Seat of the Muses is at this time the Seat of War. . . .

Ever yours sincerely,

E. GERRY.

E. GERRY, CAMBRIDGE, TO R. KING.

"Dec. 25.

"I have heard from you by the newspapers but in no other way since you left New York for Hartford. What is the success of your Negotiation? . . .

"The Insurgents stopped the Court at Worcester, but dared not approach Cambridge. I have not seen the Governor lately, but hear a force is to be sent to Worcester next month to establish the Court which is there to sit according to adjournment. We shall then see whether Mr. Shaise is to govern the Commonwealth or be branded as he is a daring Rebel. . . ."

CHAPTER XI.

Congress for Nov., 1786, without Quorum until February 1787—Resolutions of the Annapolis Convention before the Legislature of Massachusetts—R. King's Opinions about them—Proceedings in Congress upon the Report of Grand Committee relative to the proposed Convention in May, 1787—New York and Massachusetts Deputies' Propositions—Convention for May, 1787, recommended—Massachusetts's Action relative to the Rebellion—Mr. King's earnest plea against stopping recruiting until the Rebellion was at an end—Letters from Col. Smith and J. Adams—From R. King and others on the Affairs of the Country.

The Congress, which should have assembled in November, 1786, was without a quorum until February 2, 1787, when a chairman was elected, but no business of any moment was transacted before the 19th of that month. It cannot be doubted, however, that the momentous question of the increasing and inherent weakness of the Confederation commanded the attention and received the earnest thoughts of those who were called upon to meet the emergency. The grand committee of one from each State, which had been appointed (when, does not clearly appear), of which Mr. Dane was chairman, must have diligently canvassed the opinions of their colleagues and of the representatives from the different States, of whom Mr. Madison was one and held a prominent position. General Hamilton, too, the advocate of a strong government, and who had drafted the address of the Annapolis Convention, was on hand to enforce his views, and without doubt had great influence in changing, it may be, the convictions of others. (Public opinion in Massachusetts must also have become more decided in favor of action in reference to strengthening the powers of the Confedera-

tion, an influence felt by her Representatives in Congress, though the latter acted before the determination of the General Court reached them, as we shall see farther on.)

It cannot be doubted that Mr. King, who was then living in New York, though a delegate to the Congress from Massachusetts, was aware of the appointment, on February 18, 1787, of the committee of the House of Representatives, on motion of Mr. Gerry, calling upon the Governor to send to them his message of October 2, 1786, and the letter of the convention at Annapolis, and of the sentiments of its members and the probable outcome of their deliberations. He had viewed with distrust and disapprobation the plan suggested by the report of the Annapolis Convention, because he considered that measures of relief should come from Congress, as the Articles of Confederation required, and it is said that through his opposition the Congress, which expired in November, 1786, had allowed the appeal made in the address to remain unacted upon.

That his anxiety as to the consequences of the pending measure was not removed, the following letter to Mr. Gerry * will show :

N. Y., Jany. 7, 1787.

MY DEAR SIR :

Congress is not yet organized, and it is uncertain when it will be ; the anxiety and dissatisfaction still continues, which has for some time existed, concerning the government of these States. God only knows what will prove the issue. It is most certain that things will not long continue in their present condition, if foreseeing the dangers which hang over us, we do not unite in measures calculated to establish public happiness ; I am confident that no man will be able to bear up against calamitous events, which will otherwise force themselves into existence.

You have seen the Virginia law for the appointment of delegates to a Convention in Philadelphia in May ; Gen. Washington, Mr. Wythe, Randolph, Madison and others are appointed for this convention. Pennsylvania has appointed Mifflin, the two Morris,

* Austin, *Life of Gerry*, vol. ii., p. 3.

Fitzsimmons and three others on the part of that State ; Hamilton, who is a member of the assembly of this State, will exert himself to induce them to send members ; Jay and others are opposed to the measure, not alone because it is unauthorized, but from an opinion that the result will prove inefficacious.

General Washington will not attend, although there will be at the same time and place a general meeting of deputies from all the State Societies of the Cincinnati. If Massachusetts should send deputies for God's sake be careful who are the men ; the times are becoming critical : a movement of this nature ought to be carefully observed by every member of the Community.

I beg you to be assured of the constant friendship of

Yours sincerely,

RUFUS KING.

Again he writes to Mr. Gerry * :

NEW YORK, Feb. 11, 1787.

MY DEAR FRIEND :

I congratulate you on the favourable situation of the government in the western counties ; Lincoln has undoubtedly answered the most sanguine expectations of his friends, and indeed, I confess, has accomplished by the aid of warrants, what I did not apprehend could be effected in that cautious manner of proceeding.

The declaration of the existence of a rebellion will do great honour to the government, constitution and Massachusetts. I can already mark good consequences in the opinions, which it authorizes relative to our vigour and spirit. I feel myself a much more important man than I was in the humility of a few days past.

(I hope the most extensive and minute attention will now be paid to the eradicating of every seed of insurgency : remember however that punishment to be efficacious should not be extensive ; a few and those of the most consequence should be the victims of law. Do you attend the Legislature ? How will they stand on the plan of a convention at Philadelphia ? For a number of reasons, although my sentiments are the same as to the legality of this measure, I think we ought not to oppose, but to co-

* Austin's *Life of Gerry*, vol. ii., p. 7.

incide with this project. Let the appointment be numerous, and if possible let the men have a good knowledge of the constitutions and various interests of the several states, and of the good and bad qualities of the confederation.

(Events are hurrying to a crisis ; prudent and sagacious men should be ready to seize the most favourable circumstances to establish a more permanent and vigorous government.) I hope you will be at leisure to attend the convention. Madison is here. I presume he will be preparing himself for the convention ; you know he is a delegate from Virginia ; he professes great expectation as to the good effects of the measure.

Farewell,
R. KING.

The following letter to Mr. Gerry, of February 18, 1787, shows the state of his mind, and prepares us for his action a few days later :

"All the States south of this have appointed to the convention, but the commissions, or authorities seem to be different. I say have appointed ; Five of them *have* appointed, and the other undoubtedly will appoint.

"I will not venture a conjecture relative to the policy of this measure in Mass. The thing is so problematical, that I confess I am at some loss. I am rather inclined to the measure from an Idea of prudence, or for the purpose of watching, than from an expectation that much Good will come from it."

Changes in the views of public men had certainly taken place, and the opinions of the delegates to Congress, as in succession they reached New York, showed that the States they represented were more disposed to adopt positive measures to give to Congress larger powers. Mr. King, therefore, could not fail, through his intercourse with the delegates and others, and with his usual clearightedness, to see the drift of opinion and prepare to act accordingly. He must have conferred with his colleague, Mr. Dane, when the latter was preparing his report of the grand Committee. It

has also been said that General Hamilton observed to a friend, "I have revolutionized his [King's] mind." However this may be, the fact is evident the crisis had arrived, and, taking advantage of what seemed to be the present opinions, he introduced the resolution giving Congress the initiative in calling the convention for the following May, which was carried unanimously, and authorizing the convention "to revise the articles of confederation," reporting their action to Congress and the Legislatures, subject to their ratification and adoption, so as "to render the federal constitution adequate to the exigencies of the government and the preservation of the union," thus giving an authoritative sanction to the action proposed.

The proceedings of Congress in reference to this matter are here given :

"As before stated a grand Committee* of one from each State of which Mr. Dane was chairman reported to Congress on Feby. 21st, 1787, a resolution,† that Congress 'having had under consideration the letter of John Dickinson Esq. chairman of the Commissioners assembled at Annapolis during the last year, also the proceedings of the said Commissioners and intirely coinciding with them, as to the inefficiency of the federal government, and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the Union, do strongly recommend to the different Legislatures to send forward delegates to meet the proposed Convention on the 2d Monday in May next, in the City of Phila.'"

The delegates from New York laid before the Congress instructions they had received, and asked the postponement of the consideration of the report to take up a proposition they offered, recommending the assembling of a convention of representatives from the several States, etc. (not mentioning the "proposed convention"). This being negatived,

* There is no record when this committee was appointed.

† Mr. Bancroft says by a majority of one in the committee. The report is found in the *Journal of Congress*, 1787, p. 15.

the delegates from Massachusetts moved to propose the further consideration of the report, in order to take into consideration a motion which they read in place ; this being agreed to, the motion of the delegates from Massachusetts was taken up, and, being amended, was agreed to as follows :

“Whereas there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of Congress, and of the Legislatures of the several States ; and whereas experience hath evinced, that there are defects in the present confederation, as a mean to remedy which, several of the States, and particularly New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution ; and such convention appearing to be the most probable mean of establishing in these States a firm national Government,

“Resolved that in the opinion of Congress, it is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held in Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall when agreed to in Congress, and confirmed by the States, render the federal Constitution adequate to the exigencies of government, and the preservation of the Union.”

Thus was authority given for the assembling of the great convention, which resulted so differently from what was then anticipated, and which gave us a Constitution that made this country a nation.

As we have spoken of the action of the Legislature of Massachusetts beginning on February 8, 1787, it is right to present here the details of it.

In the *Journal of the House of Representatives of Massachusetts*, 1787, February 8th, p. 396, we find this entry :

“Mr. Gerry was charged with a message to request the Hon. Senate to send down the Govr’s Message of 2d Oct. last, and the

letter of the Convention held at Annapolis accompanying ; which were brought down accordingly. Read & thereupon ordered that Mr. Gerry, Mr. Gorham, Mr. Davis, Mr. Fisher, Mr. Kilham with such as the Hon. Senate may join, be a committee to consider the same & report."

On February 19th Governor Bowdoin sent a message to the Legislature, stating that he had received two letters from Governor Randolph, of Virginia, of the 1st and 6th of October, informing him that the Legislature had passed an act to appoint delegates to the convention proposed to be held in Philadelphia on the 2d of May next, to revise the federal Constitution ; and "by the last Post," one from Governor Caswell, of North Carolina, enclosing an act of the Legislature appointing deputies ; "the two Governors warmly recommend co-operation on the part of this State."

With this the Governor sends the commissioners' report and his message of the 2d of October upon the subject.

On February 22d, before they had information of the action of Congress on the 21st, the committee on the proceedings at Annapolis made their report, which was sent to the Senate for concurrence, and on the same day the Senate "ordered that the choice of delegates to meet in convention at Phila., agreeably to a resolve of this day, originate in either house to be sent to the other for concurrence." On the next, after some discussion as to the mode of choice, the two Houses concurred.

On March 2d* the Governor informed the Legislature that he had written to the delegates in Congress informing of the rebellion, and requesting Congress to take steps to secure the arsenal at Springfield, that State troops might be employed elsewhere ; and had an answer that the Secretary of War had ordered troops from Connecticut to protect Springfield, and that "he had authority to direct those raised in Massachusetts to take part at the same place, and that he should direct them so to do, as soon as Mass. made

* *Journal of the House of Representatives of Massachusetts, 1787, p. 468.*

such provision on the credit of the Union, as will enable him to effect the measure."

He also informs them that he has received a resolution of Congress of February 21st, expressing an opinion that it is expedient to hold a convention of delegates from the several States at Philadelphia "for the sole & express purpose of revising the articles of confederation," etc., etc.

The Senate and House met on March 3d, and chose the Honorables Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong as delegates to the convention.*

Governor Bowdoin, in his message to the Legislature of Massachusetts, of March 2d, had stated that he had communicated to the delegates in Congress the existence of the rebellion in that State, and calling upon that body to take steps to secure the arsenal at Springfield. In connection with this, it appears that on February 19, 1787, a committee, of which Mr. Pinckney was chairman and Messrs. Madison, King, Johnson, and Bingham were members, reported that the present circumstances of the United States made it prudent to postpone the giving of orders to suspend future enlistment of troops. Mr. Pinckney moved to amend this by directing the Secretary of War to suspend future enlistments, because of the embarrassed condition of the finances of Congress and other reasons, supporting the same with a speech, "arguing that he had reason to suppose the insurrection in Massachusetts, the real though not ostensible † object of this measure, to be already crushed." ‡

Mr. King made a moving appeal to the feelings of Congress, reminding them that the real object in voting the troops § was to countenance the exertions of the govern-

* *Journal of the House of Representatives of Massachusetts*, 1787, p. 475.

† Ostensible—to protect the States Southward as well as Northward from an Indian war, etc.

‡ Elliot's *Debates*, vol. v., p. 94, as reported by Mr. Madison. Also Rufus King's speech.

§ Under Resolution of Congress, October 20, 1786. *Journal of Congress*, vol. xi., p. 258.

ment of Massachusetts*; that the silent co-operation of these military preparations under the orders of Congress had had a great and double effect in animating the government and awing the insurgents; that he hoped the great success of the former had given a deadly blow to the disturbances, yet that it would be premature, whilst a doubt could exist as to the critical fact, to withdraw the co-operating influence of the federal measures. He particularly and pathetically entreated Congress to consider that it was in agitation, and probably could be determined by the Legislature of Massachusetts, not only to bring to due punishment the more active and leading offenders, but to *disarm and disfranchise*, for a limited time, the great body of them; that for the policy of this measure he would not undertake to vouch, being sensible that there were great and illustrious examples against it; that his confidence, however, in the prudence of that government, would not permit him to call their determinations into question; that what the effect of those rigors might be, it was impossible to foresee. He dwelt much on the sympathy which they probably would excite in behalf of the stigmatized party; scarce a man was without a father, a brother, a friend in the mass of the people; adding that as a caution against contingencies it was the purpose of the State to raise and station a small military force in the most suspected districts, and that forty thousand pounds, to be drawn from their import on trade, had been appropriated accordingly; that under these circumstances a new crisis, more solemn than the late one, might be brought on, and therefore to stop the federal enlistments, and thereby withdraw the aid which had been held out, would give the greatest alarm imaginable to the government and its friends, as it would look like a disapprobation and desertion of them; and if viewed in that light by the disaffected, might rekindle the insurrection.

* 1340 men, 660 from Massachusetts, the others from the New England States, except 120. *Journal of Congress, ib.*

He took notice of the possibility to which every State in the Union was exposed of being visited with similar calamities; in which event they would all be suing for support in the same strain now used by the delegates of Massachusetts; that the indulgence now requested in behalf of that State might be granted without the least inconvenience to the United States, as their enlistments, without any countermanding orders, would not go on whilst those of the State were in competition; it being natural for men to prefer the latter service, in which they would stay at home, and be sure of their pay, to the former, in which they might, with little prospect of it, be sent to the Ohio to fight the Indians. He concluded with the most earnest entreaties, and the fullest confidence, that Congress would not at so critical a moment, and without any necessity whatever, agree to the motion, assuring them that in three or four weeks, possibly in less time, he might himself be a friend to it, and would promote it.

Mr. Madison, in view of the yet existing condition of affairs in Massachusetts, and of the consideration due to the wishes of that State as judged of by what is said by her representatives, advised the suspension of any action at present, and Mr. Pinckney's motion fell.

On the 29th March Mr. King stated that the state of things in Massachusetts was at present such that no opposition would now be made, and a committee was appointed to report a measure for stopping enlistments.

—/JOHN JAY TO G. WASHINGTON.

" N. Y., 7th Jan'y, 1787.

"DEAR SIR:

" . . . A convention is in contemplation, and I am glad to find your name among those of its intended members. To me the policy of *such* a convention appears questionable; their authority is to be derived from acts of the State Legislatures. Are the State Legislatures authorized, either by themselves or others, to alter constitutions? I think not; . . . perhaps it

is intended that this convention shall not ordain but only recommend; if so there is danger that their recommendations will produce endless discussions, perhaps jealousies and party heats.

"Would it not be better for Congress plainly and in strong terms to declare that the present Federal Government is inadequate to the purposes for which it was instituted, . . . but that in their opinion it would be expedient for the people of the States without delay to appoint State Conventions (in the way they choose their general assemblies) with the sole and express power of appointing deputies to a general Convention, who, or the majority of whom, should take into consideration the Articles of the Confederation, and make such alterations &c. . . . (No alterations in the government should I think be made, nor if attempted will easily take place, unless deducible from the only source of just authority—the People."*)

— GENL. KNOX TO G. WASHINGTON.

"N. Y., Jan'y 14, 1787.

"MY DEAR SIR :

"You ask what prevented the Eastern States from attending the September meeting at Annapolis. . . . Massachusetts had chosen delegates to attend, who did not decline until very late, and the finding of other persons to supply their places was attended with delay, so that the Convention had broken up by the time the new-chosen delegates had reached Philadelphia. . . ."†

— G. WASHINGTON TO JOHN JAY.‡

"MT. VERNON, 10th March, 1787.

"I would try what the wisdom of the proposed Convention will suggest, and what can be effected by their counsels. It may be

* *Corr. and Published Papers of John Jay*, vol. iii., p. 226, 1891. Sparks, *Corr. of Washington*, vol. ix., 512.

† Sparks, *Corr. of Washington*, vol. ix., 513.

‡ *Ibid.*, vol. iii., 239.

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the last peaceable mode of essaying the practicability of the present form, without a greater lapse of time than the exigency of our affairs will admit. In strict propriety, a Convention so holden may not be legal ; Congress, however, may give a colouring by recommendation which would fit it more to the taste, without proceeding to a definition of its powers : this, however constitutionally it might be done, would not in my opinion be expedient ; for delicacy on the one hand, and jealousy on the other, would produce a mere nihil. . .

"P.S. Since writing the above letter I have seen the Resolution of Congress, recommendatory of the Convention proposed to be held in Philadelphia the 2d Monday in May."

COL. W. SMITH, LONDON, TO R. KING.

"January 25.

" . . I wish to consider every man in public service as my friend & Brother, engaged in the service of, and anxious for, the honor and prosperity of our Country, and as such to be free in communication and candid in construction. We have an immense theatre before us, and a greater spur to virtuous action and dignified establishment than any people who have preceded us. We have the example of ages to profit by, and posterity will not excuse us, if we cramp them with partial establishments and confined systems. The disturbances in Massachusetts have given me great pain ; but I still hope that they will not proceed to extremities, but that the good sense of the People at large, will revolt at the absurdities of their factious leaders and not slight the blessings of liberty, which are within their grasp and secured by past exertions.

"Your observations on the Commotions gave us great hopes, that they would soon be banished & we are sorry to hear they still exist in the smallest degree. I cannot help laying a great deal of it at the door of the cabinet of this Kingdom. Their restrictions on our Commerce, their encroachments on our territory, & the detention of the posts contrary to treaty are the foundations of the partial inconveniences which we at present experience ; but

must, I think, finally operate to their particular disadvantage, more especially, if France pursues the enlarged system she at present seems attached to. The Assembly of Notables is to sit at Versailles on the 29th inst., & many People promise themselves great good from the meetings; the ostensible objects are 'to lessen the burthens of the people, to introduce a Provincial administration in the finances of the kingdom, to alienate some Church & Royal lands, and to enlarge the Commerce of the Kingdom,' by freeing it from those restraints under which it has laboured for several centuries; & of course to lessen the abilities of the Farmers General to monopolize & oppress.

"If the King adheres to these points, and does not, as in the reign of Louis the 13th, make use of the Assembly as a sanction of farther oppression, he will immortalize his name, take rank of every European Nation & in a few years rival England as much in Manufactures & Commerce as she now excels her in the depth & wisdom of her politics. (Should this be the case, our Country will be benefitted—but ought to be doubly on her guard against the fetters which European policy, has been a longtime preparing to put on her. If we can free ourselves from the torture of internal Commotion, and make respectable domestic arrangements, we may smile at the arts of France and despise the malice of Britain.)

"I observe in a speech which you made to the General Court of Massachusetts, you say that Congress have not yet made any arrangements relative to interest during the war, you will find in a letter which I addressed to Mr. Jay from Bath on the 3rd inst. something on the subject, viz: (the Gentleman, who signed the treaty, had not an Idea that the Article on the subject was calculated or intended to embrace it) this he assured me in a conversation on the subject and I took the earliest opportunity in communicating it—(confident if thus explained, it would ease many minds in the Southern, Middle, & Eastern districts.) You will be pleased to accept my thanks for your congratulations on my marriage,* and be assured that I am not only happy in it, but happy to have it in my power to return the congratulations. It would give me great pleasure to meet you in New York with our

* He had married the daughter of Mr. J. Adams.

ladies, but excuse me when I candidly acknowledge to you, I would rather for the present postpone it, provided you with my other friends in Congress obtain for me the appointment which Mr. Adams solicits in his letter to Congress of the 24th inst. It is needless for me to say I should esteem myself much complimented by it. Do let me put your friendship to the stretch on this subject, both on account of the family which you say you respect and the undersigned who you have induced to flatter himself possesses your good wishes. Will you tell me honestly whether you think it can be obtained for me & if not favor me with your advice what to do. Yes, I know you will—so in expectation of having a line this day 3 months on the subject, &c., &c.

“N. B. Mr. Adams returns to America and I do not wish to be superceded, but to be *Chargé des affaires*, &c., &c.”

R. KING TO JOHN ADAMS.

NEW YORK, 9th February, 1787.

DEAR SIR :

By Captain Boudinot, who sailed in January, I wrote to Col. Smith informing him particularly of the situation of our public affairs. Since that time Congress has been organized, & General St. Clair of Pennsylvania placed in the seat of President. Nine States have not yet been represented, & of consequence few measures of importance have even been debated in this assembly. Your communication of the favorable disposition of Portugal, & particularly the directions of that court to the commander of a small Portuguese Squadron to extend their protection to the ships of our country against the Barbary Corsairs, have induced Congress to write a letter to the Queen, acknowledging their gratitude on this occasion, which letter is, or will be, transmitted to you with directions that Col. Smith should repair to Portugal and deliver the same at Lisbon. I hoped when I wrote Col. Smith by Captain Boudinot, that my next to either of you would have been explicit concerning the insurgency in Massachusetts. I enclose for your information a letter from a Mr. Dwight, a man of education & talents who is an inhabitant of Springfield, which I have received by the last post. The letter may be relied on, and is

the latest information we are in possession of. I send the original not having time to copy. . . .

With invariable respect, &c.

RUFUS KING.

—
/ R. KING TO J. ADAMS.

NEW YORK, 10 February, 1787.

DEAR SIR :

Letters are this moment received from Genl. Lincoln giving the pleasing intelligence that he dispersed the party under Shays on the morning of the 5th Instant. The insurgents had marched on the 4th from Pelham to Petersham, distant thirty miles, with about fifteen hundred men. Genl. Lincoln moved after them at 8 o'clock on the same evening, and came on them by surprise at 9 o'clock the next morning; they fled in all directions: one hundred and fifty were made prisoners. Shays escaped into New Hampshire & his men are wholly dispersed.

Genl. Lincoln marched on the 6th with a respectable force into the county of Berkshire where it is said there is a body of insurgents. The dissolution of the assemblage under Shays will probably discourage his partizans in Berkshire. The leaders, I think, will be easily taken, unless they fly.

What will give you much satisfaction is the declaration made by the Legislature that rebellion exists in the Commonwealth. You know the energy and authority of the supreme executive in consequence of this declaration. The General Court met on Saturday the 3d instant, received the address of the Governor, which I inclose, & on Monday the 4th (5th) approved the measures which he had adopted, declared that a rebellion existed in the Commonwealth, and requested him to adopt the most vigorous measures for the suppression thereof. . . .

Your obedient servant,

RUFUS KING.

—
/ JAMES SULLIVAN, BOSTON, TO R. KING.

Feby. 25.

One letter by each post is too much, but I wish you to read this.

The Senate on Friday last sent down a resolve that the choice of delegates to the proposed Convention might be originated in

either house, and be concurred in by the other. The House of R. non-concurred. The point is yet in litigation—five are to be chosen: who they will be is very uncertain. Dana and Gerry are on near all the lists, you are on many, Higginson & Lowell on some, Gorham on some he objects to all Lawyers, others object to members of Congress; the merchants say it is all a matter of Commerce, and merchants are the men. I have the honor to be mentioned, but I shall not be chosen and should not go, if I was. The choice will be this week.

The G. C. sitting today the danger the state is in claims truly time for exertion. The more they do the more the danger encreases. The business of to-day is to determine whether the Sup. J. Court shall go up to Berkshire to string up some of the Rebels in the rear of the army. This measure G. L. presses vehemently, but the judges do not love to go. By letters last night from the General who has 300 men with him, the Rebels are in York State at Black Creek and White Creek about 300 strong, threatening blood and slaughter on the friends to Government in Berke. as soon as the forces shall be withdrawn. The people in the State are exceedingly soured. Boston has its usual prudence. Every countryman who comes in and offers to apologize for his son or Brother deluded, is railed at and called a Rebel. The General Court goes on with remarkable and astonishing unanimity, as there is no opposition it would be a wonder if the Constitution was strictly adhered to and yet the critical situation of the Commonwealth requires circumspection in order that good men may not be made enemies to Government: the powers of Government are so united in the metropolis that (it) is dangerous even to be silent; a man is accused of rebellion if he does not loudly approve every measure as prudent, necessary, wise and Constitutional. God knows where all will lead; I have no materials to calculate from; have little to do with politics & mind my own business.

You may depend upon my taking the same care of your fees as of my own: our report is in the hand of a Committee. Oliver Phelps, I hear, opposes it as giving N. Y. land they had no right to, but I believe it is generally approved. There is no money in the Treasury. Root drew on Lowell and I for £23: we are as yet unable to procure it.

The people think the disqualifying Act &c. to be measures to keep in office those who are now in ; the effect will be known in the Spring.

Farewell & believe me to be your sincere Friend,

JAMES SULLIVAN.

R. KING TO E. GERRY.

Feb'y 18.

I am extremely pleased with the proceedings of the General Court ; they will procure them Honor wherever they are known. —be assured the late Exertions of the Commonwealth are viewed in a very respectable light. I have some doubt about the policy of your Bill disqualifying certain Descriptions of Citizens. However I am not so competent a Judge as they are who have decided in favor of the measure. I hope it will effect the objects, and operate in the manner expected. We have heard nothing from Lincoln since he went into Berkshire. If Patterson's conduct is well understood, he is extremely reprehensible, and I hope will meet his due reward.

We have nine States represented, and if I can form an opinion from so short an acquaintance with this new Assembly, I should not lament if their year was nearer its expiration than it is. I promise myself no good from their continuing together. I fear Pennsylvania & Jersey will be entirely under a *Southern Influence*—if so, I can conceive of no mischief to public Credit, in the settlement of accounts, and in the just claim of the States, which may not be apprehended.

All the States south of this have appointed to the Convention, but the commissions, or authorities, seem to be different. I say, have appointed. Five of them *have* appointed, and the other three undoubtedly will appoint.

I will not venture a conjecture relative to the policy of the measure in Mass. ; the thing is so problematical, that I confess I am at some loss. I am rather inclined to the measure from an Idea of prudence, or for the purpose of watching, than from an expectation that much Good will flow from it.

Farewell,

R. KING.

R. KING TO E. GERRY.

" March 20.

" . . . Congressional affairs are nearly as you left them. Mr. Jefferson was unanimously elected for Versailles, and tomorrow most probably *Mr. Rutledge* will be appointed to the Hague. Your motion limiting the period within which the public creditors should be allowed to exhibit their claims, has passed into a resolve and will be transmitted to the respective executives.

" Story returned on Friday. Mr. Wythe accepts. Grayson has been here some days & as Mr. Monroe and he are informed of the period within which an answer is expected, they will probably give their answer tomorrow, which is the last day. No other Answers from any of the commissioners except Mr. Harrison & Mr. Johnson have been received. You understand the situation of this business, and its importance. The agents must attend to it. Wilson is here for this with other business. I have not the original second agreement and without it nothing farther can be done.

" Two letters from Osgood to you came to hand the day you left us. I knew the character, and supposing, as in fact was the case, that they might be on the subject of his appointment, I opened them, found his objections to the extract of the bonds and procured an explanatory Resolve, that places the business in the train that corresponds with my own opinion. I inclosed the Resolve to Mr. Osgood last post, & hope it will be satisfactory. The situation of the Treasury requires his immediate attendance, provided he accepts. . . . The General Court I suppose has risen before this day. I hope they have done what was necessary relative to the letter of the Delegates, and also touching the object of a Western cession. New York have added our little friend, Mrs. Laurence's husband and two other gentlemen, who I am told are in the stile of Judge Platt, to their Delegation in Congress, Delaware will be on the floor tomorrow, & Georgia, it is said, will very soon be represented—that will give us a complete representation. For God's sake return soon."

R. KING TO E. GERRY.

" March. 25.

"My opinion relative to our friend in the Treasury Board was well founded, there is no possibility of a vacancy there, & at present I see nothing sufficiently valuable to mention to you. Congress have it in contemplation, or more accurately speaking, many Gentlemen appear to be impressed with the propriety of a project to establish a board with very extensive powers finally to settle the accounts between the States. Should the States unite in this measure, the characters will necessarily be of the first rank & consequence; and I am confident that you would be thought of, provided you could be obtained.

"Some time since Congress determined to erect a Board, but as the powers did not exceed those which the late commissioners possessed, the plan has been objected to, and is now under consideration with a view of establishing something, which will be more decisive and expeditious. I am persuaded that on this, and every other subject, in which you can have any interest, you will not doubt the sincerity of my disposition to unite with your wishes, and to exert myself for their accomplishment. I therefore intreat you to suggest to me any Ideas which you may entertain on this subject, at the same time assuring you, that you can do it with all the confidence of the most inviolable Friendship. . . .

"You informed me some time since of the unfortunate situation of Mr. Dana, pray tell me, is he in a way of a complete recovery? I think the misfortune is not only a severe private one, but a real and important cause of public concern. Will Mr. Strong attend the Convention; if Mr. Dana does not, who will be appointed in his place? How goes Electioneering? Hancock has written a letter to Knox informing him that he shall be here shortly and requests him to procure him Lodgings. What is the meaning of this movement?"

— R. KING TO E. GERRY.

April 4.

DR. GERRY:

My fears relative to the administration of our dear Massachusetts exceed my hopes.

Farewell,

R. KING.

R. KING TO TH. PARSONS.

April 8.

DR. SIR :

I intended to have requested at an earlier day that you would not connect me in the purchase of the land lottery tickets as we proposed when at Hartford. If you have not already purchased, I desire that you would omit it. I wish it was in my power to say that the affairs of the Union bore a more favorable appearance than when I saw you last ; but the contrary is the fact. What the Convention may do at Philadelphia is very doubtful. There are many well disposed men from the southern states, who will attend the Convention ; but the projects are so various, and all so short of the best, that my fears are by no means inferior to my Hopes on this subject.

With the highest respect and most sincere Esteem I am Dr. Sir your obt. & very h.ble serv.

RUFUS KING.

R. KING TO E. GERRY.

April 9.

Congress this day resolved to disband all the Troops raised in pursuance of the resolutions of October last, except two companies of Artillery to be formed from the Recruits of Massachusetts & marched to Springfield for the protection of the federal magazine at that Place.

I have entertained many doubts relative to the policy of this measure considering the situation of Massachusetts and the condition of the confederacy. Our State voted agt. the measure, but we were almost singular.

I am extremely mortified with the Disappointments which this arrangement will produce with the worthy Gentlemen who have laid aside other concerns and engaged as Officers in this corps.

Farewell,

R. KING.

R. KING TO E. GERRY.

(Confidential.)

N. YORK, 11th Apl., 1787.

MY DR. SIR :

I informed you some time since that the injurious Influence of 1783 would be again experienced by the present Congress. It

appears to me most evidently that every State south of this is decidedly under this influence. Rhode Island at present represented by Genl. Varnum & a Mr. Arnold will desert that wise policy which has been so often and so successfully opposed to political vice and Degeneracy, and will unite in measures foreign to the true Interests of the Union & nearly allied to corruption.

A question was yesterday moved to adjourn Congress on the last Friday of this month to meet at Philadelphia on the first Monday in June. Six States south of this are represented—I moved to strike out the place of meeting and called the yeas and nays on the words standing; to my astonishment Rhode Island voted that they shd. stand, and the six States south of this joined in the vote of Rhode Island. From this vote it was clear that there were seven States in favor of adjourning to Philadelphia. We postponed the Question in right of Massachusetts until this Day, and successfully employed the interim in detaching *for the present* one of the R. Island Delegates from his Vote of yesterday.

The subject was therefore farther postponed by order of the house; I fear Rhode Island will yet vote for this pernicious measure, or that on the arrival of Maryland it will be carried. We have a public Letter from Mr. Adams soliciting leave to come home; I think he will return in the Spring of 1788, when his Commission will expire. In a private Letter to the Delegates of Mass., he desires them to promote his recall, as he declares he will return at the expiration of his Commission.

Farewell,

R. KING.

CHAPTER XII.

Letters to R. King during the Convention in May 1787, from Mr. Dane, Genl. Knox, I. Sullivan, T. Sedgwick, C. Gore, expressing their Views as to the Outcome of the Convention.

— N. DANE, N. Y. TO R. KING (PROBL. PHILA.).

May 31.

DEAR SIR :

I had the pleasure of receiving yours of the 27th inst. two days since. I shall be happy in conveying to you any information I may obtain deserving your attention. Since Mr. Gorham went from this place, I have heard nothing of considerable importance. I yesterday received a letter from our friend Tho. Dwight, who sends his respects to you : he seems to have many apprehensions yet respecting the mischief the rebels may do, and fears as to the measures the General Court may adopt. He mentions that General Lincoln passed thro' Springfield the 26th inst. on his way from Berkshire to Boston ; and that he informed Mr. Dwight that the rebels in Vermont had lately taken up a Doctr. Pomroy of Warwick in the County of Hampshire, and another person, whom they detain as prisoners and are determined to execute if executions take place on the part of the Government, &c. There are only five States represented in Congress—I hear that Clark is chosen a member of the Convention—if so, I think we cannot expect N. Jersey, at present, to attend Congress very steadily. I have heard nothing of Dr. Holten—I have therefore suggested to the Governor that I shall conceive it proper for me, in a few days to return to Massa. &c. unless I hear of Dr. Holten's recovering his health, and that he will probably soon attend Congress. (I need not mention to you how disagreeable this apa-

thetic mode of doing business in Congress is ; it seems to me to make the Government appear more feeble than it even is, & to have pernicious effect on the public mind & feelings.)

If I return to Massa. I will inform you and make any arrangements you may think proper about keeping up the Delegation. If I go I shall not probably be in Boston till after the Delegates may be appointed.

With sincere esteem & respect your friend & hum. servt.

N. DANE.

✓ COL. WADSWORTH TO R. KING, PHILA.

HARTFORD, June 3, 1787.

DEAR SIR :

(Yours of the 24th ulto. came to hand after our delegates had set out. I am satisfied with the appointment—except Sherman, who, I am told, is disposed to patch up the old scheme of Government. This was not my opinion of him, when we chose him,) he is as cunning as the Devil, and if you attack him, you ought to know him well ; he is not easily managed, but if he suspects you are trying to take him in, you may as well catch an Eel by the tail. (Our Genl. Assembly will finish this week without making Paper Money or tender Act. Our unfederal party will lose ground. I am persuaded a good Government is wished for by the majority of our House of Assembly—but whether the people at large will be prepared to receive such an one as you & I wish, is uncertain : but I hope the Convention will be united in something that is not so totally unfit for our purposes, as the present system, for I consider that at an end.)

I am very sincerely your most obed. H. Servt.

JERE. WADSWORTH.

✓ H. KNOX TO R. KING.

NEW YORK, 8 June, 1787.

I thank you my dear Sir for your favor of the 3d inst. I am happy that you have so many States as eleven. There is a probability I think of the attendance of New Hampshire and also of Rhode Island in some mode or other, that is of the minority

or majority. I have heard that General Varnum has been chosen by the minority, in consequence of a meeting of that party in the respective towns. But that it was probable the legislature which was to have met this week would make a choice.

You will hear that the legislature of Massachusetts have met and declared the choice of the Governor—and also chosen Cushing for Lieutenant. He and Mr. Gorham's names were sent up to the Senate. Notwithstanding the number of votes for Lincoln, Genl. Warren manœuvred in such a manner that his name was not returned to the Senate by the house. The Senate chose Honestus a Senator, instead of Dawes whose name was on the same list. They will show some bad signs in the first instance but perhaps they may change. (But their conduct is unimportant excepting to exhibit strongly the effects of a headstrong democracy. It is the Convention to whom the thinking part of the Community are looking up for a good form.) God grant that they may not be disappointed.

I have been detained here longer than I expected by various circumstances, but I shall set out on Sunday and shall probably be in Philadelphia with Mrs. Knox on Tuesday. Mrs. Hamilton is to be of our party.

I am, my dear Sir, your most obedient humble servt.

H. KNOX.

JAMES SULLIVAN TO R. KING.

June 14th.

DEAR KING :

We live in a day, when one year of life is worth many in dull common times,—to say nothing about the Convention of an Empire to give features to a nation &c, we have a world of curiosity in our own Commonwealth. (Labouring parties, different views & jarring Interests make up the sum of our politicks.) Some characters render themselves the wonder of all who have the powers of wondering at anything in these times.

At Concord in May our Brother P, who loves G. B, and hates his successor, made up a party and raised a plan for the then G. to leave the unhappy convicts for the treason in the hands of Gov. H.; this was done, as he said, to throw the odium of their

execution on H. The arguments used by the G. to the C. were that reprieves had been usual and that by the 2d. of June the operations of divine Grace might fit them for Launching. They now petition and say the work is partly done, but either thro' the tardiness or for some other cause they want three weeks more. P. says unless they are now executed speedily the Commonwealth is undone. Brother Sedgwick says the State must fall by their fall or fall by their liberation. Yet he petitioned and wrote with Bacon and others to the late G. in their favour, and absolutely declares in his letters and petitions that it will be for the public good to Pardon them, that is Wilcox and Austen. The Supreme Executive have not yet considered the matter, but my private opinion is that all the Convicts will be paraded at the Gallows, and Maccullock & Austen pardoned, the others reprieved for the present. The General Court last evening passed an Act to indemnify all the unconvicted insurgents excepting nine and ordered 800 troops. Should this measure reclaim all but these nine, these may be pardoned, otherwise they may suffer.

(I believe that the Government will (be) supported, but all appears to me in vain unless you make the United States a nation.) Your account against the state I have petitioned on with my own. The disqualifying Act is repealed. Several other Acts of the like nature will probably be laid aside. A motion was made and obtained last evening to remove the Legislature from Boston; whether the Senate will concur & if they should where they will go to, I know not. Should our clemency be again despised will the State of New York give us leave to go into military operations there? For we can no longer act on the defensive.

I am, Dear Sir,

JAMES SULLIVAN.

THEODORE SEDGWICK TO R. KING.

BOSTON, 18th June, 1787.

MY DEAR SIR :

I have had the pleasure to receive your favor of the 10th. (I am happy to be informed that the characters composing the convention give us a prospect of deriving advantage from their

deliberations. Much is to be done. Every man of observation is convinced that the end of government security cannot be attained by the exercise of principles founded on democratic equality. A war is now actually levied on the virtue, property and distinctions in the community, and however there may be an appearance of a temporary cessation of hostilities, yet the flame will again and again break out. Our present general court contains the extremes of every description of character, whether of abilities, virtue, honor or firmness on the one hand, or of stupidity, vice, meanness or flexibility on the other. C. Jarvis is at the head of the latter force, and will conduct it so long as he supposes it for his interest. He wishes to discredit the administration of last year, to pay court to the present, and to make his election sure as a delegate. At the same time he manifestly wants the daring fortitude to lead a desperate faction, and he wants the talents necessary to render him dangerous. He possesses the qualities of a handsomely decorated balloon, light, airy, ascending and beautiful, but continually varying his course whenever a steady opposition attacks him.

On Thursday last week a motion was made for leave to bring in a bill to repeal the suspension of the H. Co.; it was carried by 4 voices on Friday on the question to assign a time for a second reading of the bill, the affirmative was carried by the Speaker's vote. This was a very happy circumstance, for he considered himself as shrouded by the chair from public observation. On Saturday the bill, by a general consent, was consigned to oblivion.

You have seen our resolves for raising a force, also for a pardon. This was the best and all that could be done under our circumstances. We shall I hope be able to prevent tender acts & paper money. Could we fund the public debt, which is in our power, giving security to the creditor and alleviating the burdens of direct taxation, we might prevent the vessel in which we are at present embarked from going down until another was provided by the convention & into which we might step from the wreck. I am happy you are pleased with the character of Mr. Strong. He is indeed a very able, sensible, good man. . . .

Yr. affectionate friend,

THEODORE SEDGWICK.

N. DANE, N. Y., TO R. KING.

June 19th.

DEAR SIR :

I fully agree to the propriety of the Convention order restraining its members from communicating its doings, tho' I feel a strong desire and curiosity to know how it proceeds. I think the public never ought to see anything but the final report of the Convention—the digested result only, of their deliberations and enquiries.

Whether the plans of the Southern, Eastern or Middle States succeed, never, in my opinion, ought to be known. A few reflections on the subject lead me to doubt whether one of your members, Mr. P., who two or three days since came to this city, fully understood the true meaning, full and just extent of the order not to communicate &c.

I have received no information from Massa. of any importance lately. I believe the new legislature, as yet, has done but very little business. They put good men in general into the Senate, and from this circumstance my expectations were a little raised—but in filling up the three vacancies made in the Council by Phillips, Tufts, & Dwight's declining, the legislature by appointing Hutchinson, Peter Penniman & John Frost to those vacancies certainly gave no evidence of good politics and views. Penniman & Frost I am not acquainted with, but H. I know is an unwearied advocate for paper money, tender laws, &c., &c. ; had he been of the Legislature many might think it policy to put him into the Council, but he was elected from among the people at large, and after the members too had had time to know men and parties, in some measure. My friends, I find, agree that there is a good Senate, but they all seem to be doubtful on which side a majority of the House in numbers may be. By the inclosed paper you will see that Govr. Hancock the 5th inst., proposed to the Legise. to continue in the service of the State 800 men. The Senate immediately adopted the measure, 20 agt. 6. The House had it under consideration for several days & it seems wished to make it a part of a conciliatory plan. What are the contents of this conciliatory plan I do not know—nor do I think that the true sentiments of the House can at all be collected from their unani-

mous adoption of the Jarvis's motion in the inclosed paper—this motion appears to me to be a mighty general unmeaning something. I suppose no party denies such general truths, and positions. I have not heard a word from Dr. Holten himself—I received letters from several of the members of the Legislature dated about the first of this month, all of which informed me that he proposed in two or three days, from that time, to set out for New York ; that he was then well and in the Legislature.

I have written to him on the subject of his attending &c., and may expect an answer by the next post. Was he present I suppose we should have a Congress—but members now present talk of going away immediately & I think there is no great probability of Congress doing any business worth a naming till August or September.

No person was chosen President by the people in New Hampshire. Langdon had about 3000 votes and Sullivan about 2800, Livermore about 500. I have not heard which of them the General Court appointed.

Your affec. friend,

N. DANE.

— C. GORE, BOSTON, TO R. KING, PHILA.

June 28.

The want of a Council & my frequent absence from town has hitherto prevented a proper attention to your Treasury concerns. I have obtain'd warrants for the ballance of your last year's accounts & £200 for the half year of 87. These warrants, if in my power, shall procure the specie from Mr. Hodgden. These passed the Council yesterday. Yesterday N. Barber was chosen Naval Officer—and this day James Lovel was elected Excise Master by the House—the matter now pends before the Senate. The papers will likewise announce the election as members of Congress Sedgwick, Dane, Thacher (Hebrew), & Allyne Otis. The friends of Govt. put up Phillips, the former president of Senate—the insurgents nominated Grout of Worcester County. A compromise was made by introducing G. Thacher, who was known only as author of certain publications in the Cumberland Gazette, in favour of County Conventions, under signature of Scribble Scrabble.

One Wycherly, a noted pettifogger from the Eastern part of the State, brought him forward, to reward his merits as a writer. (If due attention is paid to his first adoption of political principles in Congress, he may be a serviceable—but sure I am, his oddities, his speculative modes of thinking & conversing, & his want of acquaintance with mankind & practical politics, render him at best an uncertain man.) I greatly doubt whether it be an object of joy or sorrow to a real patriot—Notwithstanding this, I love him as a good man and I respect him as a man of understanding. The tender Act will be continued to January—A bill will be introduced by Mr. Parsons to alter the judicial system by abolishing Courts of Common Pleas and adding three more judges to the Sup. Jud. Court, &c., &c. (Its success is doubted—Lawyers are growing into consequence you may be assur'd, but our Govt. is weak and languid and inefficient to support the great objects of civil institutions and personal liberty and property of the subject. You, of the federal Convention, must invent some plan to increase the circulation at the heart, and thereby dispense heat and vigor to the extremities—if you do not, we shall descend to anarchy and disgrace.) I am most affectionately yours,

C. GORE.

✓ N. DANE, N. Y., TO R. KING. PHILA.

July 5th, 1787.

. . . We yesterday formed a Congress of seven States and elected Grayson chairman. To-day we had no Congress owing to the inattention of two or three members. We expect Connecticut and Pennsylvania here in a few days.

We have various letters touching the hostile conduct of the Indians as usual.

I am very sorry to hear you say that it is uncertain what will be the result of the Convention, because I infer there must be a great diversity of sentiments among the members. (The Convention must do something—its meeting has all those effects which we and those who did not fully discern the propriety of the measure apprehended. You know the general opinion is, that our Federal Constitution must be mended ; and if the Convention do not agree at least in some amendments, a universal despair of

our keeping together, will take place. It seems to be agreed here that the Virginia plan was admitted to come upon the floor of investigation by way of experiment and with a few yieldings on this point & that it keeps its ground at present. The contents of this plan was known to some, I believe, before the Convention met. Perhaps the public mind will be prepared in a few years to receive this new system. However I leave the whole to the wisdom of the Convention & remain
Yours sincerely,

N. DANE.

P. S. Several concerns make it highly important to me to make a short visit to Massa. some time this month or early in the next. I wish you would inform me whether there is any prospect that either of you will be able probably to attend Congress.

What is best for us to do about procuring an attendance of the Eastern States, & to renew the subject of the S. Treaty?

GEN. KNOX * TO R. KING.

"N. Y., 15th July, 1787.

"I am happy the Convention continue together without agitating the idea of adjournment. If their attempts should prove inadequate to effect capital alterations, yet experience will be gained, which may serve important purposes on another occasion.

"The conduct of France in establishing provincial assemblies is seized with great eagerness by the advocates of the State systems, as a reserve against any alterations. But they do not bring into view the strong consent of the royal authority supported by 200,000 soldiers.

"The State systems are the accursed thing which will prevent our being a nation. The democracy might be managed, nay, it would remedy itself after being sufficiently fermented; but the vile State governments are sources of pollution, which will contaminate the American name for ages—machines that must produce ill, but cannot produce good; smite them in the name of God and the people."

"Eight states in Congress—they yesterday passed with great unanimity a system of government for the western territory."

* *Life and Correspondence of Gen. Knox*, by F. [S. Drake, Boston, 1873, p. 95.

CHAPTER XIII.

Constitutional Convention of May 1787—Rufus King a Member from Massachusetts—The Part taken by him in the Debates—Notes kept by him of those Debates—Confirmatory of those taken by Mr. Madison—Mr. King a Member of the Committee on Style.

Mr. King, as has been stated, was appointed by the Legislature of Massachusetts one of the deputies to the Convention to assemble on May 14, 1787, at Philadelphia, under the resolutions of Congress, to revise the Articles of the Confederation, and, leaving his seat in Congress for the time being, repaired to that city. Virginia and Pennsylvania were alone represented on that day, and they, with others who joined them, adjourned from day to day until the 25th, when, a quorum of seven States being present, they proceeded to organize by the choice of George Washington as president. Rufus King was present, but could take no part in the proceedings until the 28th, when, other members of the Massachusetts delegation arriving, his State was represented.

In the following account of the proceedings of the convention, the object is not to give in full the discussions as they took place, but to present the views of Mr. King upon the different questions as they arose, and thus to show the apparent influence of his opinions in determining the result. It is not to claim for him any more merit than is justly his due, or to detract from that of others, but simply to follow him in the debates as reported by Mr. Madison and Mr. Yates, and in the reports as preserved in his own notes,*

* See Appendix, No. I.

and allow him thus to speak for himself. It may be said, however, that though, as estimated by Mr. Bancroft, he was "the most eloquent orator" in that body, he was not always successful in carrying his point, any more than were Mr. Wilson "the most learned civilian," or Mr. Madison "the most careful statesman," who, on June 22d, advocated, in the words of Mr. Madison, "that form of government which will most approximate the states to the condition of counties." *

In the discussion of the rules for the government of the convention Mr. King "objected to one of them authorizing any member to call for the yeas and nays, and have them entered on the minutes. He urged that, as the acts of the convention were not to bind the constituents, it was unnecessary to exhibit this evidence of the voter; and improper, as changes of opinion would be frequent in the course of the business, and fill the minutes with contradictions." †

Col. Mason, in seconding the objection, gave additional reasons against the rule, and it was stricken out *nem. con.*

The wisdom of this decision was manifested throughout the proceedings. It insured entire secrecy, which was most scrupulously observed by all the members, and prevented the interference of those outside of the convention.

On the 29th, Gov. Randolph introduced in a series of resolutions what is known as the Virginia plan, prefacing it with remarks on the defects of the existing Confederation, and the dangers resulting from them, and laying down the remedy in a government to be established, which had for its basis the republican principles.

These resolutions were taken up the next day in committee of the whole, and the debate began. The second resolution, "that the rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other may seem best in different ones," was warmly discussed. Mr. Madison moved to strike

* Bancroft's *Hist. of the Const.*, vol. i., p. 58. It is here proper to say that the editor is greatly indebted to Mr. Bancroft's able summary of the debates.

† Elliot's *Debates*, vol. v., p. 124.

out the words, "or to the number of free inhabitants," as they diverted attention from the general question of a change in the principle of representation. On this Mr. King observed "that the quotas of contribution, which would alone remain as the measure of representation, would not answer; because, waiving every other view of the matter, the revenue might hereafter be so collected by the general government that the sums respectively drawn from the states would not appear, and would besides be continually varying." *

After some further discussion, Mr. Madison, seconded by Mr. Gouverneur Morris, moved "that the equality of suffrage established by the Articles of Confederation ought not to prevail in the National Legislature, and that an equitable ratio ought to be substituted," which would then have been agreed to had not Mr. Read, of Delaware, moved to postpone action, stating that her deputies could not assent to any change of the rule of suffrage, and, in case one was fixed, would be obliged to retire. The motion was then postponed.

In considering the fourth resolution as to the mode of the election of the members of the second branch of the Legislature, it having been proposed as an amendment that the second branch should be chosen by the Legislatures, Mr. King "reminded the committee that the choice of the second branch, as proposed (by Mr. Spaight), viz., by the state Legislatures, would be impracticable, unless it was to be very numerous, or the *idea of proportion* among the states was to be disregarded. According to this *idea*, there must be eighty or a hundred members to entitle Delaware to a choice of one of them." The motion was withdrawn.†

In considering the question of a council of revision, which Mr. Randolph had moved should be composed of the national executive and a convenient number of the national judiciary, Mr. Gerry objected, that the nature of their office disqualified them from discussing the political questions; in which opinion he was seconded by R. King. "The judges ought to be able to expound the law as it should come before them, free from the bias

* Elliot's *Debates*, v., 134.

† *Ib.*, v., 138.

of having participated in its formation." * "He is therefore inclined to give the executive a complete *negative*." † The motion was postponed.

June 5th. Upon the resolution 15—"That the amendment which shall be offered to the Confederation ought, at a proper time or times after the approbation of Congress, to be submitted to an assembly or assembling of representatives recommended by the several Legislatures to be expressly chosen by the people, to consider and decide thereon," Mr. Madison urged its adoption and Mr. King "supposes that as the people have tacitly agreed to a federal government, therefore the legislature, in every State, has a right to confirm any alterations or amendments in it; a convention in each state to approve of a new government, he supposes, however, the most eligible." ‡

As reported by Mr. Madison: He "supposed that the last article of the confederation rendered the legislature competent to the ratification. The people of the Southern states, where the Federal Articles had been ratified by the legislatures only, had since, *impliedly*, given their sanction to it. He thought, notwithstanding, that there might be policy in varying the mode. A convention being a single House, the adoption may more easily be carried through it, than through the legislatures, where there are several branches. The legislatures also, being to lose power, will be more likely to raise objections. The people having already parted with the necessary powers, it is immaterial to them by which government they are possessed, provided they be well employed." § The resolution was postponed.

On the question of giving the national Legislature power to institute inferior tribunals, Mr. King remarked: "As to the comparative expense, that the establishment of inferior tribunals would cost infinitely less than the appeals that would be prevented by them." ||

Mr. King, when the question of uniting the judiciary with the executive in a revision of the laws was again up, said: "If the

* Elliot's *Debates*, v., p. 151.

† *Ib.*, Yates's Minutes, v., p. 395.

‡ *Ib.*, Yates, v., p. 397.

§ *Ib.*, v., p. 158.

|| *Ib.*, v., p. 158.

unity of the executive was preferred for the sake of responsibility, the policy of it is as applicable to the revisionary as to the executive power." * The proposition was defeated.

The clause concerning the rule of suffrage in the national Legislature being again under debate, Mr. King, as reported by Mr. Yates, "observed that it would be better first to establish a principle (that is to say) whether we will depart from federal grounds in forming a national government"; and therefore to bring this point to view, he moved as a previous question that the sense of the committee be taken on the following proposition: "That the right of suffrage in the first branch of the Legislature ought not to be according to the rule established in the Articles of the Confederation, but according to some equitable ratio of representation."

He objected as before to the suggestion that "the actual contribution of the states should be rule of representation & suffrage," for the reason "that it was uncertain what mode might be used in levying a national revenue, but it was probable imposts would be one source of it. If the *actual* contributions were to be the rule, the non-importing states, as Connecticut & New Jersey, would be in a bad situation, indeed. It might so happen that they would have no representation. 'This situation of particular states had always been one powerful argument in favor of the five *per cent.* imposts.'" The motion was carried in the affirmative. On motion of Mr. Wilson, seconded by Mr. Pinckney, there was added to the resolution "in proportion to the whole number of white & other free inhabitants, and three fifths of all other persons, except Indians, not paying taxes." Mr. Gerry remarked † "If property is to be the rule of representation, as the blacks are in the South, why should not cattle and horses of the north be represented?"

On the 13th of June the resolutions passed were reported as a whole to the convention, and on the 15th Mr. Paterson, of New Jersey, presented a plan for the alteration of the Articles of Confederation, which was referred to the Committee of the Whole.

The postponement of these resolutions, after some discussion,

* Elliot's *Debates*, v., 165.

† *Ib.*, v., p. 178.

during which General Hamilton in a speech offered another plan, was carried, and on a motion of Mr. King "that the committee rise and report that the Jersey plan is not admissible, and report the first plan,"* it was set aside, and Mr. Randolph's plan, as amended, was reported to the convention.

On the first resolution, "that a national government ought to be established, consisting of a supreme legislative, executive, and judiciary," Mr. Wilson said: "I am for a national government, though the idea of federal is, in my view, the same. With me it is not a desirable object to annihilate the state governments, &c., &c."† In answer to this, see R. King's speech in his report of the proceedings of the convention, Appendix, I.

On the next day, 20th, this article was, on motion of Mr. Ellsworth, unanimously amended to read "the government of the United States." Mr. Pinckney having moved (21st) to amend the proposition for the election of the members of the first branch of the Legislature, as the several State Legislatures shall direct, Mr. King among others made opposition. He said‡: "The magistrates of the states will ever pursue schemes of their own; and this, on the proposed motion, will pervade the national government; and we know the state governments will be ever hostile to the general government." Madison reports §: Mr. King spoke in the same direction as Mr. Wilson (that Legislatures have an official sentiment opposed to that of the general government and perhaps to that of the people). He supposed the Legislatures would constantly choose men subservient to their own views, as contrasted to the general interest; and that they might even devise modes of election that would be subversive of the end in view. He remarked several instances in which the views of a State might be at variance with those of the general government; and mentioned particularly a competition between the national and State debts for the most certain and productive funds." The resolution was rejected and election by the people was carried. On the proposition that the members of the Legislatures should "receive fixed stipends out of the national treas-

* Ell. Deb., Yates, v., 425.

† *Ib.*, p. 425.

‡ *Ib.*, p. 433.

§ Ell. Deb., v., 224.

ury," it was suggested that these should be paid out of the State treasuries, a course which Mr. King disapproved of.* "He urged the danger of creating a dependence on the States by leaving to them the payment of the members of the national legislature. He supposed it would be best to be explicit as to the compensation to be allowed. A reserve on that point, or a reference to the national legislature of the question, would excite greater opposition than any sum that would be actually necessary or proper."

On the clause declaring ineligibility to office of members of the first branch during the term of membership, etc., Mr. King, following Mr. Gorham, who wished the words "for one year after its expiration" stricken out, said: "It is impossible to carry the system of seclusion so far; and in this instance we refine too much by going to Utopian lengths. It is a mere cobweb."† "We are refining too much. Such a restriction on the members would discourage merit; it would also give a pretext to the executive for bad appointments, as he might always plead this as a bar to the choice he wished to have made"‡; and still further, on the 23d §: "The intimate association of offices will produce a vigorous support to your government. To check it would produce no good consequences. Suppose connections are formed. Do they not all tend to strengthen the government under which they are formed? Let therefore preferment be open to all men. We refine otherwise too much; nor is it possible we can eradicate the evil."

Madison says ¶: "Mr. King remarked that we were refining too much in this business; and the idea of preventing intrigue and solicitation of offices was chimerical. You say that no member shall himself be eligible to any office? Will this restrain him from availing himself of the means which would gain appointments for himself, to gain them for his son or brother, or any other object of his partiality? We were losing, therefore, the advantages on one side, without avoiding the evils on the other."

* *Ell. Deb.*, Mad., v., 226.

† *Ib.*, Yates, v., 437.

‡ *Ib.*, Mad., v., 229.

§ *Ib.*, Yates, v., 441.

¶ *Ib.*, Mad., v., 231.

On the 29th June, after the resumption of the discussion as to the right of suffrage in the first branch of the Legislature, the views of members seemed so radically to differ, that there was danger of the convention breaking up without having accomplished the purpose of its meeting. Dr. Franklin then suggested that they had omitted an humble application to the Father of Lights, to bring order out of the confusion—a suggestion which was without result, as no action was taken. Dr. Franklin notes * : “The Convention, except three or four persons, thought prayers unnecessary.”

Dr. Johnson said “that in *one* branch the *people* ought to be represented, in the *other*, the States.” †

On the question of an equal vote of each State in the second branch Mr. King said (June 30th): “That the simple question was, whether each state should have an equal vote in the second branch ; that it must be apparent to those gentlemen who liked neither the motion for its equality, nor the report as it stood, that the report was as susceptible of melioration as the motion : that a reform would be nugatory and nominal only, if we should make another Congress of the proposed Senate ; that if the adherence to an equality of votes was fixed and unalterable, there could not be less obstinacy on the other side ; and that we were in fact cut asunder already and that it was in vain to shut our eyes against it ; that he was, however, filled with astonishment, that if we were convinced that every *man* in America was secured in all his rights, we should be ready to sacrifice this substantial good to the phantom of *State* sovereignty ; that his feelings were more harrowed and his fears more agitated for his country than he could express ; that he conceived this to be the last opportunity of providing for its liberty and happiness ; that he could not therefore but repeat his amazement, that when a just government, founded on a fair representation of the *people* of America, was within our reach, we should renounce the blessing, from an attachment to the ideal freedom and importance of *States* ; that should this wonderful illusion continue to prevail, his mind was prepared for

* Spark's ed., v., 153.

† *Ib.*, Mad., v., 255.

every event, rather than sit down under a government, founded on a vicious principle of representation, and which must be as short-lived as it would be unjust. He might prevail on himself to accede to some such expedient as had been hinted by Mr. Wilson (the smaller states to be allowed one and the others in proportion); but he never could listen to an equality of votes, as proposed in the motion."

Mr. Dayton in answer to Mr. King, said: "When assertion is given for proof and terror substituted for argument, he presumed they would have no effect, however eloquently spoken. It should have been shown that the evils we have experienced have proceeded from the equality now objected to; and that the seeds of dissolution for the State governments are not sown in the general government."

Mr. Bedford "contended, that there was no middle way between a perfect consolidation and a confederacy of the States. The first is out of the question; and in the latter they must continue, if not perfectly, yet equally sovereign. . . . The little states are willing to observe their engagements, but will meet the large ones on no ground but that of the confederation. We have been told with a dictatorial air, that this is the last moment for a fair trial in favor of a good government. It will be the last, indeed, if the propositions reported from the committee go forth to the people. He was under no apprehension. The large states dare not dissolve the Confederation. If they do, the small ones will find some foreign ally, of more honor than good faith, who will take them by the hand and do them justice. He did not mean by this to intimidate or alarm. It was a natural consequence that ought to be avoided by enlarging the federal powers, not annihilating the federal system," etc.

Mr. Ellsworth—"Under a national government, he should participate in the national security, as remarked by Mr. King; but that was all. What he wanted was domestic happiness. The national government could not descend to the local objects on which this depended. It could only embrace objects of a general nature. He turned his eyes, therefore, for the preservation of his rights to the state governments. From these alone he could derive the greatest happiness he expected in this life. His.

happiness depends on their existence, as much as a new-born infant on its mother for nourishment. If this reasoning was not satisfactory, he had nothing to add that could be so."

Mr. King "was for preserving the states in a subordinate degree, and as far as they could be necessary for the purposes, stated by Mr. Ellsworth. He did not think a full answer had been given to those who apprehended a dangerous encroachment on their jurisdiction. Expedients might be devised, as he conceived, that would give them all the security the nature of things would admit of. In the establishment of societies, the constitution was to the legislature, what the laws were to individuals. As the fundamental rights of individuals are secured by express provision in the state constitutions, why may not a like security be provided for the rights of states in the national constitution. The articles of union between England and Scotland furnish an example of such a provision, in favor of sundry rights of Scotland. When that union was in agitation, the same language of apprehension which has been heard from the smaller states was in the mouth of the Scotch patriots. The articles, however, have not been violated, and the Scotch have found an increase of prosperity and happiness. He was aware that this would be called a *paper security*. He thought it a sufficient answer to say, that if the fundamental articles of compact are not sufficient defence against physical power, neither will they be any safety against it, if there be no compact. He could not sit down without taking some notice of the language of the honorable gentleman from Delaware (Mr. Bedford). It was not he that had uttered a dictatorial language. This intemperance had marked the honorable gentleman himself. It was not he, who with a vehemence unprecedented in that House, had declared himself ready to turn his hopes from our common country, and court the protection of some foreign land. This, too, was the language of the honorable member himself. He was grieved that such a thought had entered his heart. He was more grieved that such an expression had dropped from his lips. The gentleman could only excuse it to himself on the score of passion. For himself, whatever might be his distress, he would never court relief from a foreign power." *

* Ell. Deb., Mad., v., 266-9.

The body, being equally divided in the vote upon this question, seemed to have come to a standstill. Gen. Pinckney moved the appointment of a committee of one from each State to report some compromise ; a proposition on which Mr. Sherman said : "We are now at a full stop ; and nobody he supposed meant that we should break up without doing something. A committee he thought most likely to hit on some expedient." Mr. Gerry said : "The world at large expect something from us. If we do nothing, it appears to me we must have war and confusion ; for the old Confederation would be at an end. Let us see if no concession can be made." * The committee was appointed, with Mr. Gerry as chairman, who reported, on the 5th of July, resolutions as to the constitution of the first branch, giving one member to every forty thousand inhabitants, and restricting to it the originating of bills for the raising and appropriating money without power of alteration or amendment by the second branch, and that each State shall have an equal vote in the second branch, a report which Mr. Gerry said, "was agreed upon merely in order that some ground of accommodation might be proposed."

The discussion was first as to the rule of representation in the first house. Many objections were made that numbers and not property also were represented. Upon this Mr. King said, † that he "wished the clause (as to one member for every forty thousand inhabitants) to be committed (as proposed by Mr. Gouverneur Morris) chiefly in order to detach it from the report, with which it had no connection. He thought also that the ratio of representation proposed could not be safely fixed, since in a century and a half our computed increase of population would carry the number of representatives to an enormous excess ; that the number of inhabitants was not the proper index of ability and wealth ; that property was the primary object of society and that, in fixing a ratio, this ought not to be excluded from the estimate. With regard to new states, he observed, that there was something peculiar in the business, which had not been noticed. The United States were now admitted to be proprietors of the country northwest of the Ohio. Congress, by one of their

* Ell. *Deb.*, Yates, v., 477.

† *Id.*, Mad., v., 280.

ordinances, have impolitically laid it out into ten states, and have made it a fundamental article of compact with those who may become settlers, that as soon as the number in any one state shall equal that of the smallest of the thirteen original states, it may claim admission into the union. Delaware does not contain, it is computed, more than thirty-five thousand souls; and, for obvious reasons, will not increase much for a considerable time. It is possible, then, that, if this plan be persisted in by Congress, ten new votes may be added, without a greater addition of inhabitants than are represented by the single vote of Pennsylvania. The plan as respects one of the states is irrevocable,—the sale of lands having commenced, the purchasers and settlers will immediately become entitled to all the privileges of the compact."

The committee was appointed—Mr. Morris, chairman; Gerry, Randolph, Rutledge, King. This committee made a report fixing the number of representatives from each State, and providing that the Legislature shall have power to augment the number from time to time, or regulate the number in new States "upon the principles of their wealth and number." In the discussion of this distribution, Mr. King * said "he had always expected that as the Southern states are the richest, they would not league themselves with the Northern, unless some respect were paid to their superior wealth. If the latter expect those preferential distinctions in commerce, and other advantages which they will derive from the connection, they must not expect to receive them without allowing some advantages in return. Eleven out of thirteen of the states had agreed to consider slaves in the apportionment of taxation, and taxation & representation ought to go together."

The paragraph was committed to a grand committee of one from each State, Mr. King being chairman. A report was made next day, 10th July, fixing the whole number at sixty-five, and apportioning them. A debate arose as to the apparently large number (3) given to New Hampshire, in which Mr. King said:

"New Hampshire has probably more than 120,000 inhabitants and has an extensive country, of tolerable fertility. Its inhabitants may therefore be expected to increase fast. He remarked that the four Eastern states, having 800,000 souls, have one third

* Ell. *Debates*, *Mad.*, v., 290.

fewer representatives than the four Southern States, having not more than 700,000 souls, rating the blacks as five for three. The eastern people will advert to these circumstances, and be dissatisfied. He believed them to be very desirous of uniting with their southern brethren, but did not think it prudent to rely so far on that disposition as to subject them to any gross inequality. He was fully convinced that the question concerning a difference of interests did not lie where it had hitherto been discussed, between the great and small states ; but between the southern and eastern. For this reason he had been ready to yield something in the proportion of representation for the security of the southern. No principle would justify the giving them a majority. They were brought as near an equality as was possible. He was not averse to giving them a still greater security, but did not see how it could be done."

The reduction of the number of representatives from New Hampshire was not carried.

Mr. Williamson having proposed that a census should be taken every — year of the free white inhabitants and three-fifths of all others, to regulate the representation, the question was largely discussed, and the first clause as to the free white inhabitants was adopted. On that in reference to three-fifths of the negroes, Mr. King,* being much opposed to fixing numbers as the rule of representation, was particularly so on account of the blacks. He thought the admission of them along with whites at all would excite great discontents among the States having no slaves. He had never said, as to any particular point, that he would in no event acquiesce in and support it ; but he would say that, if in any case such a declaration was to be made by him, it would be in this. He remarked that, in the temporary allotment of representatives made by the committee, the Southern States had received more than the number of their white and three-fifths of their "black inhabitants entitled them to."† After some further discussion, the convention refused to agree to this.

* Ell. *Deb.*, Mad., v., 300.

† Thus from the first opportunity which offered, Mr. King renewed the opposition to the power and extension of slavery, which he had endeavored to check by his amendment to the ordinance of 1785, for its immediate exclusion from the northwest territory.

Mr. Randolph subsequently moved that a census shall be taken, etc., etc., of all the "inhabitants" (rating the blacks at three-fifths of their number), and the representation should be regulated thereby, and Mr. Wilson proposing to amend "that direct taxation should be apportioned accordingly," Mr. King said * : "Although this amendment varies the aspect somewhat, he had still two powerful objections against tying down the legislature to the rule of members—first, that they were at this time an uncertain index of the relative wealth of the states; secondly, if they were a just index at this time, it cannot be supposed always to continue so. He was far from wishing to retain any unjust advantage whatever in one part of the republic. If justice was not the basis of the connection, it could not be of long duration. He must be shortsighted indeed who does not foresee that whenever the Southern states shall be more numerous than the Northern, they can & will hold a language that will awe them into justice. If they threaten to separate now in case injury shall be done to them, will their threats be less urgent or effectual when force shall back their demands? Even in the intervening period there will be no point of time at which they will not be able to say, Do us justice or we will separate. He urged the necessity of placing confidence, to a certain degree in every government; and did not conceive that the present confidence, as to a periodical readjustment of representation, exceeded that degree."

Mr. L. Martin had said "that he had rather there should be two confederacies than one founded on any other principle than an equality of states," and Mr. Gerry favored a reconsideration of the report in reference to the money bills and equality of ratio in the second branch, "not with a view to destroy the equality of votes, but of providing that the states should vote *per capita*, which would prevent the delays and inconveniences that had been experienced in Congress, and would give a national aspect and spirit to the management of business." He "approved of the clause relating to money bills. It was of great consequence. It was the corner-stone of the accommodation."

Mr. Pinckney then "moved that instead of an equality of votes, a proportionate representation should be adopted, making the

* Elliot's *Debates*, Mad., v., 304.

whole number in the second branch thirty-six,"—to which Mr. Gerry said he should like the motion, but could see no hope of success. On this Mr. King said * : "It was always with regret that he differed from his colleagues, but it was his duty to differ from Mr. Gerry on this occasion. He considered the proposed government as substantially and formally a general and national government over the people of America. There never will be a case in which it will act as a federal government on the states, and not on individual citizens. And is it not a clear principle that, in a free government, those who are to be the objects of a government ought to influence the operations of it? What reason can be assigned why the same rule of representation should not prevail in the second as in the first branch? He could conceive of none. On the contrary, every view of the subject that presented itself seemed to require it. Two objections had been raised against it, drawn, first from the terms of the existing compact, secondly, from a supposed danger to the smaller states. As to the first objection, he thought it inapplicable. According to the existing Confederation, the rule by which the public burden is to be apportioned is *fixed*, and must be pursued. In the proposed government it cannot be fixed, because indirect taxation is to be substituted. The legislature, therefore, will have full discretion to impose taxes in such modes and proportions as they may judge expedient. As to the second objection, he thought it of as little weight. The general government can never wish to intrude on the State governments. There could be no temptation. None had been pointed out. In order to prevent the interference of measures which seemed most likely to happen, he would have no objection to throw all the state debts into the federal debt, making one aggregate debt of about \$70,000,000, and leaving it to be discharged by the general government.† According to the idea of securing the state govern-

* Elliot's *Debates*, v., 312.

† We see here the first suggestion of the advisability of the general government assuming the state debts; the necessity and expediency of which action, it was afterwards suggested by Mr. Rutledge (Elliot's *Debates*, p. 441), and supported by Mr. King, was a matter of much consequence and worthy of consideration by a committee. Under Mr. Rutledge's motion a committee was formed, but the matter was passed by. It was not until many years afterwards, as will be seen, that the government assumed these debts.

ments there ought to be three distinct legislative branches. The second was admitted to be necessary, and was actually meant to check the first branch—to give more wisdom, system and stability to the government; and ought clearly, as it was to operate upon the people, to be proportioned to them. For the third purpose, of securing the states, there ought then to be a third branch, representing the states as such, and guarding by equal votes their rights and dignities. He would not pretend to be as thoroughly acquainted with his immediate constituents as his colleagues; but it was his firm belief that Massachusetts would never be prevailed on to yield to an equality of votes. In New York (he was sorry to be obliged to say anything relative to that state in the absence of its representatives, * but the occasion required it)—in New York he had seen that the most powerful argument used by the considerate opponents to the grant of the impost to Congress, was pointed against the vicious constitution of Congress, with regard to representation and suffrage. He was sure that no government would last that was not founded on just principles. He preferred the doing of nothing to an allowance of an equal vote to all states. It would be better to submit to a little more confusion and convulsion than to submit to such an evil. It was difficult to say what the views of different gentlemen might be. Perhaps there might be some who thought no government co-extensive with the United States could be established with a hope of its answering the purpose. Perhaps there might be other fixed opinions incompatible with the object we are pursuing. If there were he thought it but candid that gentlemen should speak out, that we might understand one another."†

In these sentiments he was joined by Mr. Madison and Mr. Wilson giving their reasons against an equality of votes—and Mr. Pinckney's motion was lost. The next day, the whole report, including the equality of votes and the clause relating to money bills, passed, 5 for, 4 against; Mass. divided—Gerry and Strong ay, Mr. King and Gorham nay.‡

The vote upon a subsequent proposition in reference to the

* They, Mess. Gates and Lansing, had withdrawn, and Mr. Hamilton had absented himself for some time.

† Elliot's *Debates*, v., 313.

‡ See King's report of proceedings of the convention, Appendix, I.

powers of the Legislature showing the convention equally divided, Mr. Randolph stated that, in view of the vote in the morning (involving equality of suffrage in the second branch), the business was extremely embarrassed, and that as it was probable that a final decision would not be reached with a bare majority on either side, he would move an adjournment that "the large states might consider the steps to be taken, in the present solemn crisis of the business; and that the small states might also deliberate on the means of conciliation." This after some discussion was adopted.

A conference was held without coming to any conclusion on the subject of the equality of votes, unless, as Mr. Madison says, to satisfy the smaller States that they had nothing to apprehend from a union of the larger in any plan against equality. The powers of the Legislature, especially in its relation to the States, were the subject of earnest debate, as were also the mode of electing the Executive and the judges of the courts, and the securing to the States a republican constitution, the last resulting in a resolution by Mr. Wilson, "that a republican form of government shall be guarantied to each state; and that each state shall be protected against foreign and domestic violence." It does not appear from the record that Mr. King took part in the debate. But when the proposition was again made that the executive should "be ineligible a second time," Mr. King said* he did not like ineligibility. He thought "there was great force in the remark of Mr. Sherman, that he who had proved himself most fit for an office ought not to be excluded by the Constitution from holding it. He would therefore prefer any other reasonable plan that could be substituted. He was much disposed to think, that in such cases the people at large would choose wisely. There was indeed some difficulty arising from the improbability of a general concurrence of the people in favor of any one man. On the whole, he was of opinion that an appointment by electors chosen by the people would be liable to fewer objections."†

A resolution was offered and carried that the Executive should be chosen by electors, and the question whether or not the Execu-

* The suggestion here made was acted upon and the system adopted—a provision which still remains in the Constitution

† Elliot's *Debates*, Mad., p. 336.

tive shall be impeachable while in office, drew from Mr. King,* the expression of "his apprehensions that an extreme caution in favor of liberty might enervate the government we were forming. He wished the House to recur to the primitive axiom, that the three great departments of government should be separate and independent; that the executive and judiciary should be so as well as the legislative—that the executive should be so equally with the judiciary. Would this be so if the executive should be impeachable? It had been said that the judiciary would be impeachable. But it should have been remembered, at the same time, that the judiciary hold their places not for a limited time, but during good behavior. It is necessary, that a form should be established for trying misbehavior. Was the executive to hold his place during good behavior? The executive was to hold his place for a limited time, like the members of the legislature. Like them, particularly the Senate, whose members would continue in appointment the same term of six years (as then proposed), he would periodically be tried for his behavior by his electors, who would continue or discontinue him in trust according to the manner in which he had discharged it. Like them, therefore, he ought to be subject to no intermediate trial, by impeachment. He ought not to be impeachable unless he held his office during good behavior—a tenure which would be most agreeable to him, provided an independent and effectual form could be devised. But under no circumstances ought he to be impeachable by the legislature. This would be destructive of his independence and of the principles of the Constitution. He relied on the vigor of the executive, as a great security for the public liberties."

Dr. Franklin, in opposition, mentioned the case of the Prince of Orange during the late war, in that, as was supposed, he prevented the carrying out arrangements between France and Holland. Had he been impeachable, if guilty, he would have been "punished; if innocent, restored to confidence."

Mr. King remarked, "that the case of the stadtholder was not applicable. He held his place for life, and was not periodically elected. In the former case, impeachments are proper to secure

* Elliot's *Debates*, p. 344.

good behavior; in the latter, the periodical responsibility to electors being an equivalent security."

The question was decided against him 8 to 2 (Massachusetts and South Carolina).

On the resolution (ninth) as to the mode of referring the new Constitution for ratification, Mr. Ellsworth moved that it be referred to the Legislatures of the States, and urged this plan. Mr. King said * "he thought with Mr. Ellsworth that the legislatures had a competent authority, the acquiescence of the people of America in the Confederation being equivalent to a formal ratification by the people. He thought with Mr. Ellsworth, also that the plea of necessity was as valid in the one case as the other. At the same time he preferred a reference to the authority of the people, expressly delegated to conventions, as the most certain means of obviating all disputes and doubts concerning the legitimacy of the new constitution, as well as the most likely means of drawing forth the business men in the states to decide it. He remarked that among other objections made in the State of New York to granting powers to Congress, one had been, that such powers as would operate within the states could not be reconciled to the constitution, and therefore were not grantable by the legislative authority. He considered it as of some consequence, also, to get rid of the scruples which some members of the state legislatures might derive from their oaths to support and maintain the existing constitutions." In this view Mr. Madison concurred. This resolution was rejected and one to refer it to assemblies chosen by the people was adopted.

It was decided also to give each State two members in the Senate to vote *per capita*, Maryland alone dissenting.†

On July 24th, the proposition, coming up again, that the Executive should be ineligible for a second time, Mr. Gerry said "the longer his term, the more will his dependence be diminished. It will be better, then, for him to continue ten, fifteen, or even twenty years and be ineligible afterwards."

Mr. King was for making him re-eligible. This is too great an advantage to be given up, for the small effect it will have on his

* Elliot's *Debates*, vol. v., p. 355.

† *Id.*, vol. v., p. 357.

dependence, if impeachments are to lie. He considered these as rendering the tenure during pleasure."

Mr. Martin moved the appointment for ten years. Mr. Gerry suggested fifteen—Mr. King, twenty years. "This is the medium life of princes."*

Mr. Wilson, to get out of the difficulty, which he thought sprang from the mode of election, suggested that he be elected for six years by a small number of electors, chosen by lot, of the national legislature, to which Mr. King said †: "The lot might fall on a majority from the same state, which would insure the election of a man from that state. We ought to be governed by reason, not by chance; as nobody seemed to be satisfied he wished the matter to be postponed," which was unanimously agreed to.

Mr. Gerry had moved that a committee should be appointed to prepare a constitution in conformity with the views of the convention, except as to the Executive, to consist of five members. This was adopted, and Mess. Rutledge, Randolph, Gorham, Ellsworth, and Wilson were appointed. On August 6th this committee reported a constitution to the convention, which began to be discussed next day, the first proposition being that the Legislature should meet every year.

"Mr. King ‡ could not think there would be a necessity for a meeting every year. A great vice in our system was that of legislating too much. The most numerous objects of legislation belong to the states. Those of the national legislature were but few. The chief of them were commerce and revenue. When these should be once settled, alterations would be rarely necessary, and easily made." This, however, was passed and the day for meeting fixed—as proposed by the article.

On the provision in Art. IV., Sec. 3., relative to changes in the proportion of numbers in the different States, that the Legislature should "regulate the number of representatives by the number of inhabitants, *according to the provisions hereinafter made,*" etc., Mr. Williamson moved to insert instead of the words under-

* Mr. Madison says: "This might possibly be meant as a caricature of the previous motions in order to defeat the object of them."

† Elliot's *Debates*, p. 362.

‡ *Ib.*, p. 383.

scored, *according to the rule hereafter to be provided for direct taxation*," which was agreed to. Mr. King * "wished to know what influence the vote just passed was to have on the succeeding part of the report, concerning the admission of slaves into the rule of representation. He could not reconcile his mind to the article, if it was to prevent objections to the latter part. † The admission of slaves was a most grating circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore, because he had hoped that this concession would have produced a readiness, which had not been manifested, to strengthen the general government, and to mark a full confidence in it. The report under consideration had, by the tenor of it, put an end to all those hopes. In two great points the hands of the legislature were absolutely tied. The importation of slaves could not be prohibited. Exports could not be taxed. Is this reasonable? What are the great objects of the general system? First, defence against foreign invasion; secondly, against internal sedition. Shall all the states, then, be bound to defend each, and shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound to defend another part, and that other part be at liberty, not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported, shall not the exports produced by their labor supply a revenue to enable the general government to defend their masters? There was so much inequality and unreasonableness in all this, that the people of the Northern states could never be reconciled to it. No candid man could undertake to justify it to them. He had hoped that some accommodation would have taken place on this subject; that, at least, a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the national legislature. Indeed he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it under any circumstance. At all events, either slaves should not be

* Elliot's *Debates*, p. 391.

† Art. VII., Sec. 3, p. 379.

represented, or exports should be taxable." * Mr. Gouverneur Morris sustained with great earnestness and vigor these views, but the vote, even of Massachusetts, was against them, and the section was adopted with Mr. Williamson's amendment.

Mr. King does not appear to have taken any part in the debate on the adoption of the different sections until † the question arose as to allowing the provisions of the Legislatures regulating the election of Senators to be at any time altered by the Legislature of the United States, some contending that the States should be relied on in such cases. Mr. King, after Mr. Madison, said : " If this power be not given to the national legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the general government on the authority of the state legislatures has been fatal to the federal establishment, it would seem as if many gentlemen still foster the dangerous idea." ‡ The motion to change was lost.

Mr. King called attention to the Art. VI, Sec. 8, and stated that " as it stood it authorized the two Houses to adjourn to a new place. He thought this inconvenient. The mutability of place had dishonored the federal government, and would require as strong a cure as we could devise. He thought a law, at least, should be made necessary to a removal of the seat of government." Mr. Madison viewed the subject in the same light, and the section was modified so as to meet these suggestions. §

The next point on which Mr. King seems to have joined in the debate was on Mr. Rutledge's motion to appoint ¶ a grand committee to consider the necessity and expediency of the United States assuming all the state debts ; a motion seconded by Mr.

* Here again Mr. King expresses in emphatic language his strong aversion to the importation of slaves, considering it unjust to the Northern States unless " the products of their labor should be taxed to supply a revenue to enable the general government to defend their masters." Besides, " he never could agree to let them be imported without limitation and then be represented in the Legislature."

† Elliot's *Debates*, vol. v., p. 402.

‡ *Ib.*, vol. v., p. 402.

§ *Ib.*, p. 409.

¶ *Ib.*, p. 441.

King, who had some time before * stated his willingness that this should be done. He said "he thought the matter of more consequence than Mr. Ellsworth seemed to do ; and that it was worthy of commitment. Besides the considerations of justice and policy, which had been mentioned, it might be remarked that the state creditors, an active and formidable party, would otherwise be opposed to a plan which transferred to the Union the best resources of the states, without transferring the state debts at the same time. The state creditors had generally been the strongest foes to the impost plan. The state debts were probably of greater amount than the federal. He would not say that it was practicable to consolidate the debts, but he thought it would be prudent to have the subject considered by a committee." It was agreed to, and Mr. King was the member from Massachusetts, with Mr. Langdon as chairman.

The article in reference to treason drew out an earnest debate, in the course of which Mr. King observed, † "that the controversy relating to treason might be of less magnitude than was supposed, as the legislature might punish capitally under other names than treason." ‡ He moved to give the United States *sole* power to declare the punishment of treason, saying : "This amendment results from the vote defining treason generally by striking out 'against the United States,' which excludes any treason against particular states. These, however, may punish offences, as high misdemeanors." When this was rejected, he said : "No line can be drawn between levying war and adhering to the enemy against the United States and against an individual state. Treason against the latter must be so against the former." These views were sustained by many others and the article was adopted leaving out the words in the original draft "or, any of them."

Mr. L. Martin moved to alter Art. VII., Sec. 4, "so as to allow a prohibition or tax on the importation of slaves." In the discussion Gen. Pinckney, S. C., and Mr. Baldwin, Ga., said that if the clause was altered so as to prohibit the importation of slaves, their States could not join the Union ; and Mr. Williamson of N. C.

* Elliot's *Debates*, p. 312 ; p. 243 in this volume.

† *Ib.*, vol. v., pp. 449, 450.

‡ *Ib.*, vol. v., p. 460.

thought the Southern States could not be members, if the clause should be rejected. Mr. King "thought the subject should be considered in a political light only. If two states will not agree to the Constitution, as stated on one side, he could affirm with equal belief on the other, that great and equal opposition would be experienced from the other states. He remarked on the exemption of slaves from duty whilst every other import was subjected to it, as an inequality that could not fail to strike the sagacity of the northern and middle states."

This subject as well as that relating to a navigation act, was committed to a grand committee—Mr. Langdon, chairman, Mr. King from Mass., and others; on the 24th Aug. * Mr. Livingston reported a clause to the effect that the Legislature should not have power to prohibit the importation of slaves before 1800—but that a tax might be laid on their importation. The time was afterwards changed to 1808, and the tax was laid at \$10 a head. Mr. Sherman objected to a tax, as acknowledging men to be property; but Mr. King and Mr. Langdon considered this as the price of the first part, which Gen. Pinckney admitted to be so. †

The section that no navigation act should be passed without the assent of two thirds of members present in "each House," in the report was stricken out. This was a compromise between the eastern states to save their interests and the southern, to hedge in slavery, and the committee sustained the report.

On the article relative to the ratification of the constitution, after various motions as to the number of States to assent, Mr. King moved to add to Article XXI. the words "between the said states," so as to confine the operation of the government to the states ratifying it, which was carried. Mr. G. Morris proposed that the word "convention" should be stricken out, leaving the States to pursue their own modes of ratification. To this Mr. King said "that striking out 'convention' as the requisite mode, was equivalent to giving up the business altogether. Conventions alone, which will avoid all the obstacles from the complicated formations of the legislatures, will succeed, and if

* Elliot's *Debates*, vol. v., p. 471.

† See Genl. Pinckney's remarks in S. Carolina Convention, quoted p. 42 in this work. Elliot's *Debates*, vol. v., p. 478.

not positively required by the plan, its enemies will oppose that mode." * The motion was lost and the number of nine assenting States being required the article was passed.

On the 31st of August the parts of the constitution which had been postponed, and reports which had not been acted on, were referred to a committee from each State chosen by ballot. Mr. King was one of the members chosen. The committee reported in part next day, and on the 3d on the question of the ineligibility of members of each House "to any civil office under the authority of the United States," Mr. King moved to insert the word "created" before the word "during." "This," he said, "would exclude the members of the first legislature under the Constitution, as most of the offices would then be created," † which was lost by a tie vote, but was finally passed as follows "created or the emoluments whereof shall have been increased" during the term of their office as members. The clause authorizing the legislature to exercise authority over places purchased for forts, etc., was modified on Mr. King's resolution by inserting after "purchased" "by the consent of the legislature of the state."

On the question ‡ of the powers of the Executive, "Mr. Wilson objected to the mode of appointing (ambassadors) as blending a branch of the legislature (the Senate) with the executive. . . . Responsibility is in a manner destroyed by such an agency of the Senate. He would prefer the council proposed by Col. Mason, provided its advice should not be made obligatory on the President." In opposition Mr. King said "as the idea of a council, proposed by Col. Mason, has been supported by Mr. Wilson, he would remark, that most of the inconveniencies charged on the Senate are incident to a council of advice. He differed from those who thought the Senate would sit constantly. He did not suppose it was meant that all the minute officers were to be appointed by the Senate or any other original source, but by the higher officers of the departments to which they belong. He was of the opinion also, that the people would be alarmed at an unnecessary creation of a new corps, which must increase the

* Elliot's *Debates*, v., p. 499.

† *Ib.*, p. 505.

‡ *Ib.*, p. 523.

expense as well as the influence of the government." The question was passed uniting the Senate with the President in making the appointment of ambassadors, etc.

On the 8th of September a committee was appointed by ballot to revise the style of and arrange the articles which had been agreed to by the House, viz., Mess. Johnson, Hamilton, Gouverneur Morris, Madison, and King,*—which committee was afterwards directed to prepare an address to the people to accompany the present Constitution when sent to Congress on Sept. 10. On a question as to the restoration in the XXII^d Article of the clause "for the approbation of Congress" proposed by Mr. Gerry and seconded by Mr. Hamilton, Mr. King† thought "it would be more respectful to Congress to submit the plan generally to them, than in such form as expressly and necessarily to require their approbation or disapprobation. The assent of nine States he considered as sufficient; and that it was more proper to make this a part of the Constitution itself, than to provide for it by a supplemental or distinct recommendation." The measure being pressed by Mr. Hamilton in another way, Mr. King said: "If Congress can accede to one mode they can to another. If the approbation of Congress be made necessary and they should not approve, the state legislatures will not propose the plan to conventions; or if the states themselves are to provide that nine states shall suffice to establish the system, that provision will be omitted, everything will go into confusion, and all our labor be lost."

These amendments were then lost and "the approbation of Congress" was not restored. The final action of the convention before its adoption of the Constitution as reported, was a motion offered by Mr. Gorham, seconded by Mr. King and Mr. Carroll, to change the number of inhabitants necessary to elect a representative from 40,000 to 30,000—which would tend to remove many objections. The president of the convention, before putting the question, said that he had looked upon the provision as it stood as exceptionable, and late as it was to offer amendments, it would give him much satisfaction to see it adopted, which it then

* Elliot's *Debates*, v. p. 530.

† *Ib.*, p. 533.

was unanimously, and the convention agreed to the Constitution, which had been enrolled in order to be signed, all the States answering ay.

Several members, Messrs. Randolph, Mason, and Gerry, refused to sign the Constitution and gave their reasons for not appending their signatures. Before proceeding to sign, "Mr. King suggested that the Journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the constitution." Mr. Wilson preferred the second course, which was adopted, with the adverse vote of Maryland only—and it was resolved, "that no copies should be allowed to the members, and that he (the President) retain the Journal & other papers, subject to the order of Congress, if ever formed under the Constitution." *

* Mr. King, as will be seen in Appendix No. I, kept rough notes of the proceedings of the convention. These are now published for the first time. Ed.

CHAPTER XIV.

Correspondence during and after the Convention, and relative to it—N. Dane, A. Hamilton, I. Sullivan, N. Gorham, I. Wadsworth, C. Gore—Election of Delegates to the State Conventions—Doubts and Surmises as to their Action for or against the Constitution—R. King urged by his Friends to be present at the Massachusetts Convention.

FROM N. DANE, N. Y., to R. KING, PHILA.

Aug. 12.

I shall be fully agreed on appointing Major Sergeant Secretary &c., but a number of respectable characters are going into the Western Country from the Eastern States, among which, I think, some proper characters for Judges will be found. I am but very little acquainted with Major Turner, but I can in this and on other occasions place confidence in your opinion. I think it is probable that no settlements will be made in that country this fall, and therefore congress will for some time delay the appointment of Officers & in the mean time several gentlemen may be presented for the vacant offices, and we may consider the characters and direct the elections as may appear to be most politic and prudent. Much will depend on the directions given to the first settlements in my opinion, and as the Eastern States for the sake of doing away the temporary governments, &c., established in 1784 and for establishing some order in that country, gave up as much as could reasonably be expected, I think it will be just and proper in them to establish, as far as they can consistently, Eastern politics in it, especially in the state adjoining Pennsylvania. You are informed, I presume, of the terms of the Ohio contract. All circumstances considered I think they are advantageous to the public.

Dr. Holten left this place last Friday to return to Massachusetts, which broke up Congress. I wished him very much to have postponed his journey, but we could not prevail upon him to do it. Indeed he was too unwell a man to be here and attend to business; I imagine it will be with great difficulty that he can reach home. I am very sorry he was obliged to leave Congress not only as it leaves the State unrepresented but as it has deprived me of an agreeable Colleague. The Dr. you know is not a man able to do a great deal of business, but he is a polite agreeable man, and a man of sound good politics. We shall probably have a Congress to-morrow—and I believe for the first time not one New England State upon the floor. I wish you would inform me as soon as you conveniently can, what prospect there is of our States being represented and when. It depends entirely on your or Mr. Gorham's taking a seat in Congress. There is no prospect of Dr. Holten's returning. If neither of you can attend for 4 or 5 weeks to come, I think it will be best for me in the intermediate time to make a short visit to Mass., as my private concerns now make it almost absolutely necessary I should. I am now the only member in Congress from the 4 Eastern States. There are now before Congress several objects respecting Indian affairs, &c. respecting Mr. Adams' return to America and directing in what manner the affairs of our legation at the Court of London shall be conducted after his return, the requisition, &c. &c., which we never ought to leave entirely to the Southern & Middle States. It is evidently the object of several gentlemen to put the affairs of our Legation at London into the hands of Mr. Jefferson. This is a thing we can by no means agree to. As to other foreign matters we have pretty well despatched them for the present. Instructions are gone to Mr. Jefferson respecting the Consulate & to Mr. Adams respecting the infractions of the treaty as reported by Mr. Jay recently. The necessary measures respecting the Morocco Treaty have been taken; proper letters to the Empire & the King of Spain have been sent, some measures relative to our house at the Hague, prisoners at Alrs. &c.

We have allowed deprivation to the marine as reported by the board—and finally settled Dr. Campbell's affairs and allowed him the pay of a D. quarter Master, we have limited the time for

bringing claims against the union, &c. &c. measures not deserving any particular notice.

Bruce has come forward with Jackson's accounts and in order to get the board of Treasury to pay a part of the balance due to him, which he says is about 10,000 dollars, Massa. having paid £4000. Law. Money—this is mortifying after so much was promised on the part of the State toward supporting the troops. I am not yet informed what is like to be done.

Yours,

N. DANE.

A. HAMILTON TO R. KING.

NEW YORK, Aug. 20, 1787.

DEAR SIR :

Since my arrival here, I have written to my colleagues, informing them, that if either of them would come down, I would accompany him to Philadelphia. So much for the sake of propriety and public opinion.

(In the mean time if any material alteration should happen to be made in the plan now before the Convention, I will be obliged to you for a communication of it. I will also be obliged to you to let me know when your *conclusion* is at hand ; for I would choose to be present at that time.)

I remain with sincere regard, yr. Obed. Serv.,

A. HAMILTON.

TO R. KING, PHILA.

NEW YORK, Aug. 28, 1787.

DEAR SIR :

I wrote to you some days since to request you to inform me when there was a prospect of your finishing, as I intended to be with you, for certain reasons, before the conclusion.

(It is whispered here that some late changes in your scheme have taken place which give it a higher tone.) Is this the case ?

I leave town today to attend a circuit in a neighbouring County, from which I shall return the last of the week ; and shall be glad to find a line from you explanatory of the period of the probable termination of your business.

(Endorsed "Col. Hamilton, 28 Aug., 1787.")

— JAMES SULLIVAN TO R. KING.

BOSTON, Sept. 23, 1787.

DEAR KING :

Your engagement in so important a body as the Convention has prevented my continuing a correspondence in which I have so much pleasure. I have this day seen the Report of the Convention, and cannot express the heartfelt satisfaction I have from it. (I am more than pleased, having only one doubt, which is whether the object of the Judicial power is well defined. I wish you to attend to this, for I consider it the mainspring of the whole machinery.

Our people expect so much happiness from the doings of the Convention that they stand ready to adopt anything which may be offered ; but this is as I think so very unexceptionable that I flatter myself it will meet with no opposition in this State. Some persons indeed who lie to support party prejudices have charged upon others a combination to oppose everything federal. If this scandal has reached you, you may consider it as without foundation and disregard it. Our parties here, or rather the opposers of the present Government, are so inveterate that lies come from places where they were not expected from. But our Government is in peace & I believe will remain so.

Yr. hble. servt.,

JAMES SULLIVAN.

— JAMES SULLIVAN TO R. KING.

BOSTON, 28th Sept., 1787.

DEAR KING :

I wrote you the last post my sentiments in general on the report of the Convention, and now have yours of the 20th, wherein you request my free and candid opinion upon it. I do by no means retract what you will have before this reaches you in my other letter. (I consider it to be of the highest importance to have a federal government and should this not be adopted, I should despair of having one excepting it arises from the chance of war.) There are several things in the report that upon the stinted view I have of the subject, I should wish to be altered or explained. (In the eighth article Congress are empowered to "*Lay and collect*

taxes." It is not here ascertained what is here meant by *taxes* : if what we call dry taxes, a tax on polls & estates by a census, I do not see how it can be carried into execution. Congress can never appoint Collectors, assessors, &c. ; besides there would be great confusion between the doings of their officers and those of particular States. Had the provision been that Congress should apportion such taxes as should be necessary to the common defence (over and above the revenue) on the several States, and provision had been made to coerce a compliance, it would have been in my opinion better.)

In the judicial power the court is to have authority to try all causes between a State and citizen of another State, and between citizens of different States ; and one Supreme Court to be over the United States. This appears to me in the first instance to lay the particular States under very great inconveniences. A debtor, defective collector, trespasser, &c., may fly from one State to another, and thereby involve the State he has fled from, or trespassed against, in a very great cost and trouble, evade a trial according to the law which governed the contract when made, or the Lands or Chattels trespassed upon, and great delay, fraud or injustice may be the consequence. (In the other case, can it be right that every contract or note of hand between citizens of different States in this wide commercial country shall be tried in the Judicial of the Congress?)

(These objections have weight in my mind ; I shall not mention them to any one here, because I believe they must have been agreed to on an equivalent given which I do not see.) Besides I hear no objection to it here yet. I came from Wyport to-day : the people are much in favour of it, but what turn it may take, when the objections of the gentlemen, who did not sign it, are known, I cannot say.

With purest friendship, yr. most obt. Servt.,

JAMES SULLIVAN.

/ IRA (JUDGE) DANA TO R. KING.

Oct. 13, 1787.

DEAR SIR :

I was honoured on the 7th inst. with your very obliging favour of the 2nd enclosing the Act of Congress mentioned in it. I feel

myself much indebted to your attention and friendship in getting this business finally settled after the many official embarrassments which had so long delayed it. My health, tho' not yet confirmed, is still much mended. (I never had more occasion to lament the want of it, as it alone prevented my attending the grand Convention, where I should have had the satisfaction of participating with you and others in the happiness of proping up a fallen Empire if not of establishing it on the strongest foundation. May your labours not be rendered abortive by the wickedness or folly of any of our Citizens.)

Your much obliged friend,

IRA DANA.

—
C. GORE, BOSTON, TO R. KING.

October 7, 1787.

. . . The federal plan is well esteemed and as far as can be deduced from present appearances, the adoption will be easy. > It is cause of speculation that our friend Mr. Gerry did not sanction the plan with his name. . . . In November you will be at home in my house and I pray you that Mrs. King come also. . . .

I am affectionately yours,

C. GORE.

—
R. KING TO JOHN ADAMS.

Boston, October 27th, 1787.

DEAR SIR :

I intended to have written to you previously to my departure from New York. Mr. Jay has undoubtedly transmitted to you the late Acts of Congress permitting your return to America after the expiration of your commission to the English Court, & giving you the unequivocal thanks of the United States for the diligent, faithful, & able discharge of your various public duties since your residence in Europe. No minister of Congress having before received such testimony of the public approbation, you will naturally suppose the truth, that the partizans of those ministers who have returned without any marks of public favor were not entirely satisfied with the ample vote of thanks in the present instance. This distinction in my judgment constitutes the

principal value of the vote, since it proves that the measure was not of course, but the effect of singular merit.

Your last loan in Holland was approved & ratified, & as on your return you will probably take leave of the Hague as well as at London, Congress judged it proper that your delegation to the former should terminate with your commission to the latter. There did not seem to be a disposition in Congress to appoint a successor to either of these Courts at present ; Mr. Jefferson's commission is renewed for Versailles, & I intend writing to Col. Smith by this opportunity in reply to his last letter relative to the London Legation.

Some difficulties have heretofore taken place in an allowance to Mr. Dana for a private Secretary while at St. Petersburg. I was very happy in effecting the customary allowance to Mr. Dana on this point previously to my leaving Congress, & the more so as it will ease you of an expense incurred for your Son while in Russia.

Massachusetts, Pennsylvania, & Connecticut have called conventions in their respective states to consider the report of the late general conventions. These are the only states whose Legislatures have been in session since the publication of the report.

With the highest respect I have the honor to be, &c.,

RUFUS KING.

C. GORE TO R. KING.

BOSTON, Dec. 9, 1787.

MY DEAR SIR :

I received with great pleasure your information from Hartford,—tho' you made a very great mistake in mentioning the numbers pro & con the new plan. You say 50 *against* & 19 *in favor* the proposed form in the Convention of Pennsylvania. I construed directly the reverse of this & so communicated the information. This town, as you perceive by the papers has elected—many are disappointed, & some, such as Breck, Treat Paine, Sullivan, are extremely mortified. The list, as it is, was the effect of a junction of the North & South caucuses—a thing often before attempted, but never, till this hour, with success. This list was strenuously opposed by Dr. Jarvis, Honestus Adams, Coltson, Joseph Shed, & Morton Brailsford, certain real and pre-

tended leaders of the town—the end of the opposition was to erase my name from the list & to attain it they severally exerted all their abilities. Falsehoods of every kind were loudly declared, and the lowest & meanest acts of deception made use of to effect their purposes. This being the case, and I being the only one they opposed, I feel as honourably elected as any one of the delegates. I really exerted myself to obtain an election of Sullivan, but to no purpose, even to the end—he had but 3 votes, Treat Paine none.

(Most of those whose elections we know of are favorably inclined to adopt the Constitution—but, it is said, the delegates from the County of Worcester will generally oppose the plan. Adam Wheeler, late A.D.C to Shays, is elected to represent the town of Hubbardston.) . . . Your own observations on the Constitution and answers to Mason's & Gerry's objections will much oblige me. You certainly will be here the first week of January.

. . . I sincerely & ardently wish for you, . . . because of the benefits the Commonwealth of M. may reap from your presence in the Convention. . . .

Your friend,

C. GORE.

N. GORHAM TO R. KING.

CHARLESTOWN, Dec. 12, 1787.

MY DEAR SIR :

No consideration as applying to this world, or I had almost said the next, can be an inducement to you to stay at N. York after the first of Jany. You can have no idea how much depends on your presence. (The Elections in this part of the Country have generally been favourable: but a black cloud will come down from the three Western Counties.) The choice was to have been made at Cambridge on Monday last, but the constable never returned the warrant, and though they sent three messengers after him to Boston, he was not to be found till 1 o'clock at night. So the Meeting was lost and a new one was summoned for next Monday. Gerry wou'd not have been chosen. I cannot tell how the people may change by the next meeting. (On the whole I think the prospect has mended since you left us, and looks rather

encouraging than otherways. Bristol County which was supposed to be wrong, is by a great majority right.

Yours,

N. GORHAM.

The Town of Boston committed a great mistake by not chusing Sullivan.

JERE. WADSWORTH TO R. KING.

HARTFORD, Dec. 16, 1787.

DEAR SIR :

I last night recd. your favor,—with the pleasing news of Delaware's ratification of ye New Constitution. (I know Mercer well and am glad he is ineligible—for more reasons than one. I have not yet heard who are elected in Hampshire and Berkshire, except at N. Hampton, where they are on the side of ye Constitution. Berkshire are turning about. Sedgwick & Bacon debated the subject publicly, when Bacon declared himself convinced.) Sedgwick asked him to give him a written certificate, which he did and Sedgwick is using it to advantage. This I have from such authority that I can't doubt it. (A Pamphlet is circulating here—Observations &c, signed ye Federal Farmer—written with art &, tho' by no means unanswerable, it is calculated to do much harm. It came from New York under cover to Wronghead & Mitchel and to all others supposed to be against the Constitution. You will wonder to hear Mitchel named—you remember he was against the Convention ; but he is right now ; as far as his popular *itch* will let him be he will vote right.) Notwithstanding all the volumes sent in here from New York and circulated with industry, we shall have a large majority. . . .

Yours sincerely,

JERE. WADSWORTH.

C. GORE TO R. KING.

BOSTON, Dec. 23, 1787.

MY DEAR SIR :

. . . I sincerely wish, as is my duty, to be inform'd on the momentous question soon to be agitated. We are too much interested in its determination to neglect anything that may further the adoption of the plan proposed. (Among those who are

elected and are avowedly opposed to the form, none have yet appeared of abilities except Nat. Barrell from Old York, Symmes, a young lawyer from Andover, and Bishop,—unless S. Adams be consider'd as its enemy ; wh. I believe to be the case. Those who are in favor of the Constitution feared the consequences of opposing S. A.'s election. They suppos'd he wou'd, in such mortification, openly declare against it and endeavour to make proselytes. Whereas an election by his townsmen, under an idea that he was really its advocate, might damp his opposition, for he is too old not to know his dependence is more on the people, than theirs on him. Further it was said that his arguments cou'd be opposed, with greater probability of success, while he was a member, than if he was absent, suggesting objections to small circles of the delegates, and that the rumour of this opposition wou'd weigh more than any objections he could raise in Convention. You will perceive by a list I have enclosed Thatcher and which I have desired him to send, how many of those known to be elected are in opposition ; in my marking, I may have mistaken some, but not many. The possibility is that a bare majority may be in its favor on the first meeting. Our endeavour must be to make the majority respectable in numbers. Judge Dana & Col. Dana were elected at Camb., J. Winthrop had 10 votes, Mr. Gerry 2 or 3. I have not heard that this latter gentleman enters the list as an opponent. I rather think he has not yet wrote or said much on the subject. It is said Winthrop writes under Agrippa. These pieces gain him no credit. Dane is silent on the subject, and, I believe, mortified that all those he respects in this quarter differ from him on this great question ; and this circumstance induces him to hold his peace. It was impossible to elect Sullivan in this town : I interested myself warmly in his favor, but the people will not confide in him, and he may from this neglect be oppos'd. Pray bring with you his letters in reply to yours, wh. obviated his objections to the Constitution : it can do no hurt and may answer a good purpose. Let me know the reasons of Congress having a right to order the time & place &c. of election of Representatives & their reason for laying excises and direct taxes, and what can be done with State debts. . .

Your friend,

C. GORE.

N. GORHAM TO R. KING.

CHARLESTOWN, Dec. 29, 1787.

MY DEAR SIR :

Let me intreat you, as you regard the Interest of your Country & your own reputation to be here by the time the Convention opens—you can have no idea of the necessity of it.

The Business will labour very much and People who do not wish you or the cause well, say that you are an alien, a stranger who will not trouble yourself about the matter. (The opposition from the Western Counties will be numerous and violent ; the utmost candor and prudence will be wanted to guide and abate it. You know some of our Friends are not good Steersmen. Most of the Eastern members are wrong ; nobody can deal with them so well as you.) Mr. Adams will [not be right & Dr. Jarvis I am concerned about. Pray persuade Mrs. King to consent ; you never can have a greater call.

Yours,

N. GORHAM.

C. GORE TO R. KING.

BOSTON, Dec. 30, 1787.

MY DEAR SIR :

The elections which have come to my knowledge since the list enclosed Thatcher are favorable. (Oliver Phelps, who has been much written to on the new Constitution by Mr. Osgood of the Treasury Board, wrote a friend of mine the last week, that the people of his quarter viz. Berkshire, seeing the elections in this part of the State, had been convinc'd that opposition to the proposed system would be futile—that he had resigned his seat in the Convention, not intending to assume an active part in the opposition ; that he really thought a majority of the delegates of Berkshire would be in favor of the Constitution. His refusing to become a member of the Convention is compleat evidence of his being satisfied that opposition wou'd be unsuccessful & unpopular. S. Adams is out full *against it.*) There is ev'ry reason to conclude him the author of Helvidius Priscus in Adams & Nourse

of last Thursday. (It is said Jarvis is in favor, but states objections.) Mr. Bowdoin has invited the delegates of this town to dine with him on Thursday next and proposes in his billet that the new Constitution shou'd be the subject of conversation in the afternoon and evening. On this I waited upon him & suggested tho' no evil cou'd arise from conversing on the principles of the proposed plan & hearing and obviating objections, yet it certainly wou'd be imprudent in those who are for its adoption to state any particular mode of conduct whereby our wishes might be gratified in its adoption. This wou'd be to expose ourselves to A., & possibly others, and inform them how they might best counteract our intentions—this he agreed with me. I have been fearful that the measure of our being together originated with A., and that it was done with a view of seeing what strength he can muster. But this is suspicion. Bowdoin is firm in favor of the thing. Hancock is sick & immovable in his limbs; however he will clearly be elected President. Being forewarned, I think we shall not be entrapped by the craft of A. (Stilman is a warm supporter of the plan, & will do us service.) If possible, be with us. You can do great good. This I hope will find you on the road for Boston. Gerry's letter has done harm but he is now silent. . . .

Your friend,

C. GORE.

CHAPTER XV.*

WHO FRAMED THE ORDINANCE OF '87?

Letter of Charles King to the New York *Tribune*—The Ordinance of 1787—Claims to western Territories demanded Settlement—Plan for a temporary Government of the North Western Territory adopted 23d of April, 1784—Mr. Jefferson's Agency relative to Slavery in that Territory—Proposed Ordinance of 1785—Mr. King proposed that Slavery should be forever prohibited in the N. W. Territory—The Proposition not acted on—Ordinance passed—Ordinance of 1787—Contained a Provision for Education, for free Navigation and Use of Rivers and Portages, and for Freedom from Slavery—This was introduced by Nathan Dane—His Letter to R. King, then at the Constitutional Convention, announcing the Fact.

TO THE EDITOR OF THE NEW YORK "TRIBUNE"
(HORACE GREELEY.)

SIR :

The ordinance of '87 and its history are naturally enough, after the atrocious wrong of the Kansas-Nebraska law, objects of renewed discussion.

I ask, therefore, space in your columns for a paper on this subject, prepared by me, in no controversial spirit, nearly two years ago—as part of a work upon which I am engaged on *The Life and Correspondence of RUFUS KING* and of which the aim is to give a true history, from original letters in my possession and from the Journals of Congress, of this ordinance, to indicate the

* This chapter was written by President Charles King, as part of the work which he had determined to write, but never accomplished. It is given with his letter to the New York *Tribune* in which it was published, showing how at that time the power of slavery operated upon some of the publishers of leading magazines.

share in its preparation that belonged to my father, without seeking to depreciate the glorious labors of others in the same great work.

The chapter was sent, soon after its completion, to one of the leading monthlies, with a request that, as the topic of Slavery was then much agitated, it might be published. After being retained several months it was returned to me with the excuse for not publishing it, that the extract concerning Slavery, embodied in one of Timothy Pickering's letters, written in 1785, smacked too much of "Abolition" to make it expedient for the publisher to insert the paper.

It is perhaps not the least humiliating evidence of the corrupting influence of Slavery over public sentiment, that even in this City, the fear of pecuniary loss forbids the publishing of a dispassionate historical essay, concerning a most interesting public transaction, supported by original contemporaneous correspondence and the Journals of Congress—and assailing nobody.

I am aware that I make a very unusual demand upon your space in making room for so long a communication as that enclosed; but it is perhaps timely and certainly is true—and you I know are not afraid of Truth anywhere.

I am truly your friend,

CHAS. KING.

COLUMBIA COLLEGE, January 31, 1855.

The remarkable character, and more remarkable influence of this celebrated ordinance, will justify, even in the biography of an individual, a thorough and somewhat extended narrative of its origin, progress, and final adoption; all the more, too, when the individual, whose life we are commemorating, was largely concerned in breathing into this charter of freedom its vital breath.

The general character of this ordinance must be assumed to be familiar more or less to all who are in any reasonable degree versed in the history of their country. Yet it may well be doubted whether any considerable number, even of the public men of the day, are aware of the many claims to

the gratitude of all time, which that ordinance in its numerous and divers, but all-beneficent provisions, presents. The common and almost exclusive merit assigned to that wise and almost provident organic law—portions of which have the form and duration of a permanent contract—is supposed to rest in that clause which, by prohibiting slavery within the wide region embraced in its provision, stamped it as free forever—as far as human legislation can work such a result. Great, very great, unspeakable, indeed, in importance is this provision; but there are others for the first time set forth in this ordinance and recognized as duties of government towards its citizens, which are fit to stand side by side with the charter of freedom. Our purpose, therefore, is to enter into a somewhat minute detail of the various enactments of the ordinance, and as nearly as possible to assign to individuals and to States the due share of each in framing and completing the perfect whole.

One of the greatest topics of controversy and disagreement between the States, both during the Revolutionary War, and subsequent to the peace, was the unequal distribution of the immense territory nominally included within some of the States, but which, by the peace of '83 falling to the United States as the general spoil won from the common enemy by the common blood and treasure of all the States, might virtually be regarded as belonging to the people of all the States.

But not such was the interpretation of those States within whose real and imaginary limits, or under whose jurisdiction or tutelage, these territories vast, wild, and of conjectural extent, were supposed to lie. Massachusetts, Connecticut, New York, Virginia, the Carolinas—each laid claim to immense domains, sometimes to the same domains—while the States whose limits were so defined by Royal Charter, as to make impossible such claim on their part, insisted that all must be a common stock. For a long time after partial adoption, the Articles of Confederation were rendered inoperative by the refusal of several States to come in unless

this land question was either reserved for future settlement, or settled on the principle of joint ownership by all the States. Referring to a distinct chapter for an elucidation of the difficulties occasioned by those conflicting views and claims, and their final and harmonious settlement,* allusion is here made to the subject simply as introductory to a narrative of the circumstances under which the ordinance of '87 was prepared and finally adopted.

On the 23d of April, 1784, a plan for the temporary government of the Western Territory was adopted by the unanimous votes of all the States present: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina. South Carolina, by her two delegates, Messrs. Read and Beresford, voted *No*. It is in the form of resolutions, and in these words:

Resolved, That so much of the territory ceded or to be ceded by individual States to the United States as is already purchased or shall be purchased of the Indian inhabitants and offered for sale by Congress, shall be divided into distinct States in the following manner as nearly as such cession will admit; that is to say by parallels of latitude, so that each State shall comprehend from north to south two degrees of latitude beginning to count from the completion of 45 degrees north of the Equator, and by meridians of longitude one of which shall pass through the lowest point of the Rapids of Ohio, and the other through the Western Cape of the mouth of the Great Kanaway; but the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may be beyond the completion of the 45th degree between the said meridians shall make part of the State adjoining it on the south, and that part of the Ohio which is between the said meridian, coinciding nearly with the parallel of 39°, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for

* Mr. King never wrote such a chapter, which is much to be regretted.—Ed.

sale shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age within the limits of their State, to meet together for the purpose of establishing a temporary government to adopt the Constitution and laws of any one of the original States ; so that such laws, nevertheless, shall be subjected to alteration by their ordinary Legislature ; and to erect, subject to like alteration, counties, townships, or other divisions for the election of members of their Legislature.

That when any such State shall have acquired 20,000 free inhabitants, on giving due proof thereof to Congress, they shall receive authority, with appointment of time and place, to call a Convention of Representatives to establish a permanent Constitution and Government for themselves. Provided that both the temporary and permanent Government be established on these principles as their basis.

First : That they shall forever remain a part of this Confederacy of the United States of America.

Second : That they shall be subject to the articles of Confederation in all those cases in which the original States shall be so subject ; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

Third : That they shall in no case interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations, which Congress may find necessary for securing the title in such soil to *bona fide* purchasers.

Fourth : That they shall be subject to pay a part of the federal debt contracted, or to be contracted, apportioned on them by Congress according to the same common rule and measure by which apportionment thereof shall be made on the other States.

Fifth : That no tax shall be imposed on lands the property of the United States.

Sixth : That their respective Governments shall be republican.

Seventh : That the lands of non-resident proprietors shall in no case be taxed higher than those of residents within any new State before the admission thereof by a vote of its delegates in Congress. That whenever any of the said States shall have of free inhabitants as many as shall then be in anyone the least numerous

of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, provided the consent of so many States in Congress is first obtained as may at that time be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress, when the members shall be thus increased, it shall be proposed to the Legislatures of the States originally parties thereto to require the assent of two thirds of the United States in Congress assembled in all cases wherein, by the said articles, the assent of nine is now required—which being agreed to by them, shall be binding on the new States. Until such admission by their delegates to Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating but not of voting.

That measures not inconsistent with the principles of the Confederation, and necessary for the preservation of peace and good order among the settlers in any of the new States, until they shall assume a temporary government, as aforesaid, may from time to time be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact ; shall be duly executed by the President of the United States in Congress assembled, under his hand and the seal of the United States ; shall be promulgated and shall stand as the fundamental constitution between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled and of the particular State within which such alteration is proposed to be made.

The original draft of this plan of government was made by a committee consisting of Mr. Jefferson of Virginia, Mr. Chase of Maryland, and Mr. Howell, of Rhode Island. That draft contained this remarkable paragraph, numbered 5 in the articles, to be in the nature of a compact, "that after the year 1800 of the Christian Era, there shall be neither slavery nor involuntary servitude, in any of the said States, otherwise than in punishment of crimes wherein the

party shall have been convicted to have been personally guilty." On the 19th of April, Congress having the report of the committee under consideration, Mr. Spaight of North Carolina, and seconded by Mr. Read of South Carolina, moved to strike out this paragraph. Under the Confederation, a majority of the thirteen States—*seven*—was requisite to the success of any motion, and the mode of putting the question was in this wise, "Shall the words moved to be stricken out stand?"

The yeas and nays on Mr. Spaight's motion being demanded by Mr. Howell, one of the committee, they resulted as follows: New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and Pennsylvania—*YEA*. Maryland, Virginia, and South Carolina—*NAY*. New Jersey had but one representative present, Mr. Dick, and he voted *yea*, but the Articles of Confederation required the presence of at least two delegates from a State to entitle it to a vote. So New Jersey, from the non-attendance of her other delegates, lost the opportunity of recording her voice in favor of prospective freedom. North Carolina was divided, Mr. Williamson (well known afterward, and honorably remembered in the city of New York, as Dr. Hugh Williamson) voting *yea*. (It is to be recorded also, to the credit of Mr. Jefferson, the framer of the paragraph, that he voted *yea*, but was overborne by his colleagues present, Mr. Hardy and Mr. Mercer;) and thus Virginia was in the negative.

The result presenting but *six* affirmative votes, the words did not stand, but were stricken out. It is impossible not to be struck with these two facts in this important proceeding—*first*, that if the question had been stated, as in all legislative bodies such questions are *now* stated, "shall the words objected to be now stricken out?" the motion must have failed, as only three States were in favor of it; and *secondly*, that although the effort to retain the paragraph, was unsuccessful, the vote by States was two to one (6 to 3) in its favor, with one State divided and one without voice; and more significant yet, that counted *per capita*, the votes

for retaining the clause were 15, *against* it, 7, or more than two to one.

The plan thus emasculated, and after being otherwise altered, was, as has been already stated, adopted by Congress on the 23d of April, 1784. The original report, in the handwriting apparently of Mr. Jefferson, is now in the archives of the State Department, as well as the printed copy of the report as it was finally adopted. A careful comparison of these shows certain alterations in the draft by Mr. Jefferson, of which the chief consist : first, in striking out, as stated above, the clause prohibiting slavery, that which forbade any one holding an hereditary title to become a citizen, and that giving names to the future States; and secondly, in adding to the fundamental articles of compact, that the new States should in no case interfere with the primary disposal of the soil by the United States, that no tax should be imposed on lands, the property of the United States, and that the lands of non-residents should never be taxed higher than the lands of residents. With these exceptions, the plan adopted by Congress was the same, and for the most part in the words of the one submitted by Mr. Jefferson. Fourteen days after its passage, Mr. Jefferson, on May 7, 1784, was appointed Minister to France, and vacated his seat in Congress. To that seat he never returned, nor indeed to the United States, until after the adoption of the new Constitution in 1789. This, therefore, seems the whole of Mr. Jefferson's connection with the ordinances for the government of the Western Territory, and is the sole basis upon which the credit is claimed for him of being the author of the Ordinance of '87, which was originated, discussed, matured, adopted, and promulgated while he was in France, and without, so far as appears, any consultation on any side with him.

The plan of government adopted in April '84 remained the law of the land until superseded and repealed by the Ordinance of '87; in the interim, however, much attention and care were bestowed by Congress on plans for the regula-

tion, surveying, and disposing of the vast territories ceded by New York, Virginia, and other States to the United States. All these had more or less bearing on the final Ordinance of '87, for the government of this territory, and gave it some of its most valuable and characteristic features. Mr. King took an early, active, and very influential part in all these discussions, as more fully appears in the chapter devoted to the special topic of the *public lands of the United States*.* It is, however, essential to the narrative now in hand to state that on the 4th of March, '85, an ordinance for ascertaining the mode of locating and disposing of the lands in the Western Territory was read a first time in Congress. On the 16th of the same month, a motion was made by Mr. King, seconded by Mr. Ellery of Rhode Island, that the following proposition be committed, "that there shall be neither slavery nor involuntary servitude in any of the States described by the resolve of Congress of the 23d of April, 1784, otherwise than in punishment of crime, whereof the party shall have been personally guilty, and that this regulation shall be an article of compact and remain a fundamental principle of the Constitution between the thirteen original States and each of the States described in the said resolve of the 23d of April, 1784."

The motion to commit prevailed — New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, voting *aye*; Virginia, North Carolina, South Carolina, Georgia, voting *no*. Georgia, however, had only one representative present, and her vote was therefore lost, and Delaware was unrepresented wholly. Every member from the States in the affirmative voted *aye*, except Mr. McHenry of Maryland, whose vote was overborne by those of his two colleagues, Mr. J. Henry and Mr. Hindman, and every member from the States in the negative voted *nay*, except Mr. Grayson of Virginia, whose vote was overborne by that of his two colleagues, Mr. Hardy and Mr. Lee.

* This chapter was never written.—ED.

Of the motion thus committed, the Journals of Congress, most imperfectly kept, give no subsequent account, nor does any contemporary authority which I have been able to consult.

On the same day, however (the 16th of March), the ordinance read the first time on the 4th of March came up on its second reading, and, after debate, was referred to a grand committee of one from each State. This committee, composed of Mr. Long (N. H.), Mr. King (Mass.), Mr. Howell (R. I.), Mr. Johnson (Conn.), Mr. R. R. Livingston (N. Y.), Mr. Stewart (N. J.), Mr. Gardiner (Penn.), Mr. J. Henry (Md.), Mr. Grayson (Va.), Mr. Williamson (N. C.), Mr. Ball (S. C.), Mr. Houston (Ga.), reported, on the 14th April, in the shape of another ordinance, which was then read a first time. The consideration of it was resumed on the 20th, and it continued to be a subject of debate and amendment from that day until the 20th of May, when it was finally adopted. Mr. King took a very active part in all these debates, as the Journals show, but the ordinance being "one for ascertaining the mode of disposing of the public lands in the Western Territory," and not for their government, Mr. King would seem to have been restrained by its character and objects from pressing the introduction into it of his anti-slavery clause committed on the 16th March.

The next effort, in the order of time, to establish a government for the Territories, is thus noticed in the Journal of Friday, 22d of September, 1786. "Congress proceeded in the consideration of an ordinance for the government of the Western Territory, reported by Mr. Johnson, Mr. Pinckney, Mr. Smith, Mr. Dane, and Mr. Henry." The previous reference to the appointment of this committee, appears in the Journal. The House debated the report that day and again on the 4th of October, after which nothing further concerning it is recorded in the Journals, and the Congress expired by the proper limitation on Saturday, 4th of November. On Monday, the 6th of November, the new Congress met, but without forming a quorum, and none was

formed till Wednesday, 17th January, 1787. Mr. Gorham, Mr. King, Mr. Dane were in attendance from Massachusetts. The House failed to elect a President on that day, and no quorum was obtained again until Friday, 2d February, when Gen. St. Clair was chosen President. By an annual resolution the unfinished business of the old Congress was continued in the new Congress, and accordingly in the Journal of Wednesday, 9th May, 1787, we find this entry: "Congress proceeded in the second reading of the ordinance for the government of the Western Territory." It was debated that day, Mr. King and Mr. Dane being both present and voting, and was ordered to be transcribed and to be read a third time next day. It was, however, postponed on that day, and no more is heard of it. From Friday the 11th of May to Friday the 6th of July no quorum could be had, and of course no business was done in Congress. Again from Friday 6th to Wednesday July 11th the House was left without a quorum. (On that day (11th July) we find this entry in the Journal: "The committee, consisting of Mr. Carrington, Mr. Dane, Mr. R. H. Lee, Mr. Kean, and Mr. Smith, to whom was referred the report of a committee touching the temporary government of the Western Territories, reported an ordinance for the government of the territory of the United States northwest of the River Ohio, which was read a first time and ordered to a second reading next day." There is no previous notice in the Journal of the reference of this subject to a committee, but it seems reasonable to assume that the report thus referred was that which had been under debate on the 9th of May, and the ordinance accompanying which was there ordered to be transcribed for a third reading next day; however that be, the ordinance was read a first time on the 11th, was read a second time on the 12th, and on the 13th was adopted by the unanimous vote of all the States present, eight in number, viz., Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia,) and of every member save Mr. Yates of New York, and, so far as

appears from the Journal, without any debate or attempt to amend or change it, and this was the famous *Ordinance of '87*, the *great charter of freedom* for the great Northwestern Territory, now composing, with additions since obtained from the Indians, six free States.

This ordinance for the government of the territory of the United States northwest of the River Ohio, after prescribing with minuteness the method of obtaining and transmitting land, of appointing magistrates, establishing laws, etc., etc., sets forth the following articles of compact, with this recital:

And for extending the fundamental principles of civil and religious liberty, which from the basis whereon these republics, their laws and constitutions are erected, to fix and establish these principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in that Territory; to provide also for the establishment of States and permanent governments therein, and for their admission to a share in the federal councils on an equal footing with the original States at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and States in said Territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said Territory.

ART. II. The inhabitants of the said Territory shall always be entitled to the benefit of the writ of habeas corpus and of trial by jury—of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great. All fines shall be moderate and no cruel nor unusual punishment shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the

common preservation to take any one's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in that Territory, that shall in any manner interfere with or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

ART. III. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged ; the utmost good faith shall forever be observed towards the Indians ; their lands and property shall never be taken from them without their consent, and in their property rights and liberty they never shall be invaded nor disturbed, unless in just and lawful war authorized by Congress ; but laws founded in justice and humanity shall from time to time be made for preventing wrong being done them and for preserving peace and friendship with them.

ART. IV. The said Territory with the States that may be formed therein shall forever remain a part of this Confederacy of the United States of America, subject to the articles of Confederation, and such alterations therein as may be constitutionally made, and to all the acts and ordinances of the United States in Congress assembled conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the federal debts contracted, or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States ; and the taxes for paying their proportion shall be laid and levied by the authority of the Legislatures of the District, or Districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those Districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona-fide purchasers. No tax shall be imposed on lands the property of the United States, and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into

the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways and forever free as well to the inhabitants of the said Territory, as to the citizens of the United States and those of any other State that may be admitted into the Confederacy, without any tax, duty or impost therefor.

ART. V. There shall be formed in said Territory not less than *three* nor more than five States, and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, *to wit* : The Western State in the said Territory shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers, a direct line drawn from the Wabash and Fort Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The Middle State shall be bounded by the said direct line ; the Wabash from Fort Vincents to the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line ; provided, however, and it is further understood and declared that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in the part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan ; and whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing in all respects whatever with the original States, and shall be at liberty to form a permanent Constitution and State Government, provided the Constitution and Government so to be formed shall be republican and in conformity to the general principles contained in these Articles, and so far as it can be consistent with the general interests of the Confederacy. Such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in a State than 60,000.

ART. VI. There shall be neither slavery nor involuntary ser-

vitute in the said Territory, otherwise than in the punishment of crime, and whereof the party shall have been duly convicted ; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitives may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d April, 1784, relative to the subject of this ordinance be, and the same are hereby repealed and declared null and void.

Mr. King, though a member of the Congress which passed this ordinance, was not present at the time, having left his seat in Congress on the last day of May, when a quorum was had (the 11th), and proceeded to take his place as a member of the convention for forming the Constitution of the United States, which was to assemble in Philadelphia on the following Monday, 14th May. But the debate on this ordinance would seem to have taken place before it was recommended to Mr. Carrington's committee, of which Mr. Dane was a member ; for, after the report of it back again by this Committee, no debate was had—the ordinance had its three separate readings on three successive days ; of course, therefore, all the details and all the principles had been settled before, and during previous discussion. Mr. Jefferson, for whom the chief merit of this ordinance is claimed, was not in the House nor in the country during this discussion ; and a comparison of his resolutions of April, '84, given above, with the ordinance of "'87," will show how much more copious, comprehensive, and far-reaching are the wise and beneficent provisions in the latter.

Of many of these provisions a large share may be claimed as the suggestion, or the work of Mr. King, and especially the great and desirable one rendering the soil forever incapable of slavery. As this is the great distinction of the ordinance, it shall be examined thoroughly. The proviso prepared by Mr. Jefferson in 1784, and voted for by him

throughout and against the voice of his colleagues, was in these words: "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty." This proviso, one of those which were to be fundamental articles of compact, unchangeable except by the consent of both parties, was, as has already been stated, struck out on the 19th of April, the residue of the ordinance being adopted on the 23d. Mr. Jefferson, a few days afterwards, vacated his seat in Congress, and Mr. King as yet had not sat there at all. His first appearance in Congress was in December, 1784. In the course of the ensuing spring, the bill for ascertaining the best mode of locating and disposing of the western lands became a subject of discussion, and warmly enlisted Mr. King's attention and interest, as expressed both by the record of the Journal, and more strikingly by the correspondence (of which the originals are in my hand) with Elbridge Gerry, Timothy Pickering, and other leading men of the day. It is foreign to the purpose of this discussion to enter into the general scope of this correspondence, and it is only referred to now to bring out of it the proof of how early and how earnestly Mr. King's attention was turned to the duty of preventing the spread of slavery.

Under date of March 8, 1785, Timothy Pickering thus writes to Mr. King, then attending Congress, in New York:

"Yesterday I was favored with a letter from Mr. Gerry, inclosing the draft of ordinance, for ascertaining the mode of locating and disposing of lands in the Western Territory, and desiring me to communicate to you such thoughts on the subject as may be judged to have a beneficial tendency."

Mr. Pickering goes on to suggest, at considerable length, and with thorough knowledge, various provisions which should be embodied in such a law, and closed his letter with

this reference to Mr. Jefferson's resolution of April, 1784, and especially to the proviso of freedom :

"There is an article in the report of the Committee on which that act was made which I am extremely sorry to see was rejected. The Committee proposed that after the year 1800 there should be no slavery in the new States. I hardly have patience to write on a subject in which what is right is so obvious and just, and what is wrong is so derogatory to Americans, above all men—so inhuman, so iniquitous in itself."

In a still longer letter written on the evening of the same day, 8th March, 1785 (the two letters filling eleven pages of foolscap paper), Mr. Pickering thus reverts to the topic of slavery :

"In looking over the act of Congress of April 23, 1784 (Mr. Jefferson's) and the present report of an ordinance relative to these lands, I observe no provision is made for ministers of the gospel, nor even for schools or academies. The latter might have been brought into view ; though after the admission of slavery, it was right to say nothing of Christianity. Yet so glaring an inconsistency would not have occasioned much surprise. It is easy to be inconsistent. Congress once made this important declaration—'that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are *life, liberty, and the pursuit of happiness*,' and these truths were held to be self-evident. These great truths were echoed through the United States ; nevertheless a proposition for preventing the violation of these truths, in a country yet unsettled, and from which such violence might easily have been excluded, did not obtain. What pretense (argument there could be none) could be offered for its rejection ? I should indeed have objected to the period proposed (the year 1800) for the exclusion of Slavery ; for the admission of it for a day or an hour ought to have been forbidden. It will be infinitely easier to prevent the evil at first, than to eradicate it or check it at any future time. How would Congress wish these new States to be settled ? By slaves or by freemen ? Take any period, say fifty years—will these States in that time have more acres of improved lands by

the admission than by the exclusion of slaves? In respect to population or improvement compare Pennsylvania with Maryland and Virginia, particularly the latter; the conclusion is obvious. But why do I expostulate with you who already see all the reasons on this subject in points of view more striking than I can place them? Forgive me if my solicitude to prevent the greatest of evils has rendered me prolix. To suffer the continuance of slaves, till they can be gradually emancipated, in States already overrun with them, may be pardonable because unavoidable without hazarding greater evil; but to introduce them into countries where none now exist, countries which have been talked of, which we have boasted of, as asylums for the oppressed of the earth, can never be forgiven. For God's sake, then, let one more effort be made to prevent so terrible a calamity. The fundamental Constitutions of these States are yet liable to alteration, and this is probably the only time when the evil can certainly be prevented."

This earnest, honest, and impassioned appeal from one who was still wearing the uniform of a soldier of freedom, who through the trials and perils of the revolutionary war had nobly done his part—fell not upon an unwilling heart, for it was within a week of the date of Mr. Pickering's letter, that on the 16th of March, Mr. King introduced his proviso of freedom, differing essentially from that of Mr. Jefferson—in that it was of *immediate* and not *prospective* application, that it forbade then and forever the existence of slavery in all the regions embraced in the law of 1784, whereas Mr. Jefferson was for planting it there, and after fifteen years of growth, then eradicating it. Mr. King thought with Mr. Pickering, that the admission of slaves (slavery) for a day or for an hour into a region before exempt from it, was not to be endured.

On the 15th of April—the day after the grand committee of which Mr. King was a member, reported to Congress the ordinance locating and disposing of the public lands, which became a law on the 20th May following—Mr. King thus acknowledges Mr. Pickering's letter:

"NEW YORK, April 15, 1785.

"The best return in my power to make you for your ingenious communications on the mode of disposing of the Western Territory is to inclose—for your examination, the form of an ordinance reported to Congress on the subject. . . . *I likewise inclose the report on a motion for the exclusion of Slavery from the new States.* Your ideas on this subject are so just that it would be impossible to differ from them."

Of the report on the exclusion of slavery here mentioned no trace is to be found. It must refer, one would suppose, to the resolution submitted by Mr. King himself on the 16th of March, and committed on that day, but no allusion in the Journal, nor any other than thus casually in Mr. King's letter to Mr. Pickering, has been found.

But it is certain that Mr. King did not abate of his zeal on the subject, and when in November, '85, Nathan Dane became one of his colleagues from Massachusetts, and a new ordinance for governing the Western Territory came under the consideration of Congress, as has already been related, in September, '86, and in varying shapes occupied its attention at times through the residue of that year and through the year 1787, until its final adoption in July of the last year, it is on the records of the Journal that Mr. King took constant and earnest part in its discussion. If then, in the ordinance as finally adopted, shall be found embodied specific propositions made by Mr. King and by him only—and if it shall appear, as now I am about to make it appear, that the authorship of the ordinance was Mr. Dane's, and not Mr. Jefferson's, as has been so long claimed, and recently with emphatic and confident argument by Governor Coles, formerly of Illinois—the deduction would seem legitimate and conclusive that Mr. Dane, acting with his colleague, had accepted and embodied his suggestions in this ordinance.

Let the chief of these suggestions be briefly set forth:

First, and most important, is that prohibiting Slavery. Mr. Jefferson's proviso was *prospective*; that of Mr. King's

immediate; the proviso of the ordinance of '87 was *immediate*, and in the identical words offered by Mr. King, the 16th March, 1785, except that his proviso reached to all the territory embraced in Mr. Jefferson's resolutions of April, '84, while that of the ordinance was restricted (necessarily perhaps) to the precise territory which that ordinance was framed to govern. In other respects, the language is identical, changing only the words, "shall have been personally guilty," as used by Mr. King, to "shall have been duly convicted," in the ordinance. Mr. Dane nowhere appears on the record to have made any motion himself in Congress, on the subject of slavery, and, therefore, finding that of Mr. King in the Journals, and having it urged upon his attention doubtless by Mr. King himself he adopted it as his own.

Art. III. of the fundamental articles, thus stipulates: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Of this there is nothing in the Jefferson resolution of April, '84, but the extracts given from Mr. Pickering's letters and the Journals of Congress, during '85-86, when the land ordinances were under discussion, show how perseveringly and to a certain extent successfully Mr. King labored to obtain, for the purposes of education and of religion, reserved townships in every range.

And last, and hardly perhaps second in importance to the first—the proviso of freedom; of a kin, indeed, with it,—is that proviso, incalculable in its value as a bond of union—incalculable in its value to commercial intercourse and to good neighborhood, which stipulates "that the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said Territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor."

This in the first instance was due to the far-reaching and

statesmanlike suggestions of Timothy Pickering, and was introduced in Congress by the joint agency of Virginia and Massachusetts—States which then stood, as during the war they had stood, shoulder to shoulder on so many trying occasions. Mr. Pickering, in a letter to Rufus King of the 8th of March, '85, discussing the ordinance then under the consideration of Congress, for regulating the Western Territory, thus sagaciously writes :

“Water communication in that country will always be in the highest degree interesting to the inhabitants. It seems very necessary to secure the freedom of navigating these to all the inhabitants of the States. I hope we shall have no Scheldts in this country.”

So wise a suggestion was not lost upon his correspondent, and, accordingly, on the 12th of March, 1786, while the ordinance “for ascertaining the mode of locating and disposing of the public lands in the Western Territory” was under consideration, Mr. Grayson of Virginia, who, as the Journals show, acted very frequently with Mr. King, and who separated from his colleagues and voted *aye* on Mr. King's anti-slavery proviso on the 16th of March of the same year, less than two months before moved this resolution, which was seconded by Mr. King and adopted: (“Resolved, that the navigable waters, leading into the Mississippi and the St. Lawrence and the carrying places between the same be, and are hereby declared to be, common highways and to be forever free as well to the inhabitants of the said Territory as to the citizens of the United States and those of any other States that may be admitted into the Confederacy, and without any tax, duty, or impost therefor.”

This resolution, without the change of a letter, is embodied in the Ordinance of '87; and thus we see that the two important provisos—the one *against* slavery extension, and the other *for* the inviolable freedom to all American citizens, in all time and exempt from all impost or taxation, of the great navigable waters of the Union, designed by God himself as the highways of nations—originally proposed or

promoted by Mr. King, were taken by Mr. Dane from the records of Congress, and introduced into his immortal ordinance.

And now for the conclusive proof that this ordinance was *his*—prepared and drafted by him, and accepted unanimously by Congress, almost without alteration. This proof is in the letter, of which the annexed is a full, literal, and exact copy from the original in my hands.*

NEW YORK, July 16, 1787.

To the Hon. Rufus King, Esq., Philadelphia.

DEAR SIR—I am obliged to you for yours of the 11th inst; with pleasure I communicate to you what we are doing in Congress, not so much from a consciousness that what we do is well done, as from a desire that you may be acquainted with our proceedings. We have been much engaged in business for ten or twelve days, for a part of which we have had eight States. There seems to be a disposition to do business and the arrival of R. H. Lee is of considerable importance. I think his character serves, at least in some degree, to check the effects of the feeble habits and lax mode of thinking of some of his countrymen. (We have been employed about several objects—the principal of which have been the government inclosed † and the Ohio purchase; the former you will see is completed and the latter will probably be completed tomorrow. We tried one day to patch up ‡ M . . . 's p. system of W. Government—started new ideas and “committed the whole to Carrington, Dane, R. H. Lee, Smith and Kean. We met several times, and at last agreed on some principles—at least Lee, Smith and myself. We found ourselves rather pressed. The Ohio company appeared to purchase a large tract of federal lands—about six or seven millions of acres—and we wanted to abolish the old system and get a better one for the government of the country, and we finally found it necessary to adopt the best system we could get. All agreed finally to the inclosed plan ex-

* Soon after this article was printed Mr. Charles King gave the letter to some person who is unknown to the Editor.

† The ordinance of '87, adopted on 13th July.

‡ These initials refer possibly to the plan proposed by Mr. Monroe.

cept A. Yates.) He appeared in this case, as in most others, not to understand the subject at all. (I think the number of free inhabitants, 60,000, which are requisite for the admission of a new State into the Confederacy, is too small ; but, having divided the whole Territory into three States, this number appears to me to be less important. Each State in the common course of things must become important soon after it shall have that number of inhabitants. The Eastern State of the three will probably be the first, and more important than the rest, and will no doubt be settled chiefly by Eastern people ; and there is, I think, full an equal chance of its adopting Eastern politics.) When I drew the ordinance (which passed, a few words excepted, as I originally formed it) I had no idea the States would agree to the sixth article, prohibiting slavery, as only Massachusetts of the Eastern States was present, and therefore omitted it in the draft ; but finding the House favorably disposed on this subject, after we had completed the other parts, I moved the article, which was agreed to without opposition. (We are in a fair way to fix the terms of our Ohio sale, &c. We have been upon it three days steadily. The magnitude of the purchase makes us very cautious about the terms of it and the security necessary to insure the performance of it.)

We have directed the Board to examine and report on Holkar's affair.

Massachusetts Legislature was prorogued on the 7th inst., having continued the Tender Act, as it is called, to January, 1788 ; and having passed no other act of importance, except what I presume you have seen respecting the raising of troops and the power of the Governor to pursue the rebels.* You ask me how I like my new colleagues. Sedgewick, you know, we all esteem ; but I fear he will not make his attendance an object. Thacher I am not acquainted with. I do not know whether Mr. Otis, at his period of life, and under his misfortunes, will enter with vigor into Federal politics. I wish his accounts with the Union had been settled, &c.

Nothing more worth particular notice.

Your affectionate friend,

N. DANE.

HON. R. KING.

* Refers to Shay's Rebellion.

P. S. States present, Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, and Georgia. Brother Holten is rather an invalid; is not able to take an active part in business, but I think supports pretty good Eastern politics.

This letter, now for the first time made public, was written, it will be seen, three days only after the passing of the famous ordinance, before there was any controversy about it, and without consciousness, so far as the modest tenor of the whole letter can witness, of the priceless value of the act thus perfected. The course of the preparation, discussion, and final adoption of the ordinance is related with entire simplicity. No doubt, therefore, can now be entertained that Mr. Dane did frame the ordinance throughout; that it was he who directed the mode of presenting it to the House and carrying it through all its stages.

Mr. Carrington of Virginia, named first on the committee, and, therefore, by usage its chairman, did not, as appears by this letter, agree with the majority of the committee, and, therefore probably declined to report the ordinance, devolving that duty on Mr. Dane, who stood next on the list, and who was in the majority. This explains what heretofore has not been understood, how Mr. Dane, the second on the committee, came to be its reporter; and the almost literal accuracy is hereby established of the account given by Daniel Webster, in his oration against Hayne, on the Foot resolutions, in the U. S. Senate, in 18—, that this ordinance "was drawn by Nathan Dane, and adopted by Congress without the slightest alteration." "A few words excepted," says Mr. Dane, "and the ordinance passed as I originally formed it."

Having thus established the conclusiveness of the claim of authorship of the Ordinance of '87 for Nathan Dane, and shown that to Rufus King, and indirectly to Timothy Pickering, belongs the suggestion of the provisos contained in it *against* slavery and *for* aids to religion and knowledge,

and *for* assuring forever the common use, without charge, of the great national highways of the Mississippi, the St. Lawrence, and their tributaries and their carrying-places, to all citizens of the United States; and having, at the same time, by spreading in *extenso*, before the readers of this chapter, both the resolution of Mr. Jefferson, of April, '84, and the Ordinance of '87, put it within their reach to compare these instruments, and thus ascertain how much of one is borrowed from, or is suggested by, the other, it may be said in conclusion that, in endeavoring to assign to each of the prominent actors in this great scene his due merit and responsibility, no desire has been felt, nor, it is hoped, manifested, even unconsciously, of magnifying any one at the expense of others. Enough of enduring reputation for each and all must forever honor the names of Dane and Jefferson, of Pickering and King, for the part taken by each in the long, laborious, and eventful struggle, which had so glorious a consummation in the ordinance consecrating forever, by one imprescriptible and unchangeable muniment, the very heart of our land to Freedom, Knowledge, and Union.

CHAPTER XVI.

The federal Constitution of 1787—Received by Congress—Ordered to be transmitted to the State Legislatures—Massachusetts Convention assembled January, 1788—Rufus King a Member—His Course and Speeches in it—Favored biennial Elections—Objected to Property Qualification—Representation and Taxation go together—Approves of the Provisions relative to the Senate and to the Powers of Congress—Amendments—Speech on the Adoption of the Constitution.

The new Constitution adopted by the Convention was reported to Congress on September 28, 1787, and on the same day it was unanimously resolved*: "That the said report, with the resolution and letter† accompanying the same, be transmitted to the several legislatures in order to be submitted to a Convention of Delegates chosen in each state by the people thereof, in conformity with the resolves of the Convention made and provided in that case."

To the Convention ordered in Massachusetts, Mr. King was elected by the people of Newburyport, who had originally sent him to the General Court of Massachusetts, from which he had been transferred to Congress in 1784. They justly thought that he who was one of its framers, though at that time they knew not how largely he had been instrumental in making it, would best interpret the new Constitution, set forth its merits, and advocate its adoption. The Convention was to assemble early in January of the next year, and although he fully intended to take part in its deliberations, domestic questions in New York made him

* *Journ. of Cong.*, vol. xii., pp. 149-166.

† Written by Genl. Washington by direction of the Convention.

hesitate to set out on his journey and separate himself from his wife. The correspondence will show the reasons for his delay in reporting himself in Boston, though in the end he reached there in good time; and, as will be seen by the abstract of his remarks during the discussion, gave an earnest and able advocacy of the Constitution, which, after a long and obstinate opposition, was finally adopted by the Convention.

It is intended to give here the speeches of Mr. King, as reported in the proceedings of the Massachusetts Convention in the second volume of Elliot's *Debates*, and thus to show how far he was, with the able friends who supported him, instrumental in bringing about the adoption of the new Constitution by the State of Massachusetts.

On the first day of assembling we find the following resolution adopted * :

On motion of the Hon. Mr. Adams, *Voted* That the Convention will attend morning prayers daily and that the gentlemen of the clergy, of every denomination, be requested to officiate in turn."

The first question which produced discussion was as to the expediency of holding biennial elections of representatives in Congress. This was the subject of extended remarks by Mr. King, which are here given. †

The Convention would do well to lay aside the terms *annual* or *biennial*, and consider the subject as it could be supported by principles. Much had been said of the instruction to be derived from history on this point; he said he presumed to doubt whether this was the case. From the continent of Europe he believed that we could receive no instruction. Their Parliaments, after the overthrow of the Roman Empire, were not constructed upon the principle of a representation of the people. The conqueror of a given district of country was, by the feudal system, the prince or king of the people within his conquered territories. When he wished the advice of any persons, he summoned usually

* Elliot's *Debates*, vol. ii., 2.

† Elliot's *Debates*, vol. ii., p. 18.

a number of his principal officers, or the barons of his kingdom to give him their counsel ; but the people, or, as they were degradingly called, the vassals, were never consulted. This certainly cannot be considered as a representation of the people. This mode of assembling a parliament probably obtained in the early stages of the English history ; but those who have written upon this subject agree that their information is very imperfect, relative to the origin of the English Parliament ; they are not certain who composed the Parliament, how long they held their office, or concerning what points they were consulted.

Nothing clear upon this subject appears before the 12th century. Magna Charta is the foundation of the imperfect representation of England. Improvements have since been made in favor of more equal and certain representation of the people ; but it is still imperfect and insecure. Perhaps the people of America are the first who, by the social compact, ever obtained a right to a full and fair representation, in making the laws of their country.

If, then, history can afford little or no instruction on the subject, the Convention must determine the question upon its own principles. It seems proper that the representative should be in office time enough to acquire that information which is necessary to form a right judgment ; but that the time should not be so long as to remove from his mind the powerful check upon his conduct, that arises from the frequency of elections, whereby the people are enabled to remove an unfaithful representative, or to continue a faithful one. If the question is examined by this standard, perhaps it will appear that an election for two years is short enough for a representative in Congress. If one year is necessary for a representative to be useful in the State Legislature, where the objects of his deliberations are local, and within his constant observation, two years do not appear too long, where the objects of deliberation are not confined to one State, but extend to thirteen States ; where the complicated interests of United America are mingled with those of foreign nations ; and where the great duties of national sovereignty will require his constant attention. When the representatives of the colony of Massachusetts were first chosen, the country was not settled more than twenty miles from Boston ; they then held their offices

for one year. The immigrants from Massachusetts, who settled on Connecticut River, appointed the representatives to meet in the General Court of that colony for only six months. Massachusetts although her settlements have extended over almost the whole territory, has continued to depute representatives for only one year and Connecticut for only six months ; but as in each of those colonies, when under the British government, the duties of the representatives were merely local, the great duties of sovereignty being vested in their King, so since the Revolution, their duties have continued local, many of the authorities of sovereignty being vested in Congress. It is now proposed to increase the powers of Congress ; this will increase the duties of the representatives and they must have a reasonable time to obtain the information necessary to a right discharge of their office.

It has been said that our ancestors never relinquished the idea of annual elections ; this is an error. In 1643 the Colonies of Plymouth, Massachusetts, Connecticut, and New Haven united in a confederacy, which continued about forty years ; each colony sent two commissioners as their representatives, and by the articles they were to be annually elected. About the year 1650, the General Court of Massachusetts instructed their commissioners to propose that the elections, instead of being annual, should be only once in three years. The alteration did not take place, but the anecdote proves that our ancestors have not had a uniform predilection for annual elections.

He concluded by observing that, on a candid examination of this question, he presumed that the Constitution would not be objected to on account of the biennial election of the House of Representatives.

It was urged farther on that some qualification of property in a representative should have been adopted.

Mr. King said * : That gentlemen had made it a question why a qualification of property in a representative is omitted, and that they thought the provision of such a qualification necessary. He thought otherwise ; he never knew that *property* was an index to abilities. We often see men, who, though destitute of property, are superior in knowledge and rectitude. The men who have most injured the country have most commonly been rich men.

* Elliot's *Debates*, ii., 35.

Such a qualification was proposed in Convention, but by the delegates of Massachusetts it was contested that it should not obtain. He observed that there was no such qualification by the confederation. In reply to General Thompson's question, why disqualification by age was not added, he said that it would not extend to all parts of the continent alike. Life, in a great measure, depends on climate. What in the Southern States would be accounted *long life*, would be but the *meridian* in the northern ; what here is the time of *ripened judgment* is *old age* there. Therefore the want of such a disqualification cannot be made an objection to the Constitution.

When the paragraph relating to representation and taxation was read, Mr. King said * :

There has been much misconception of this section. It is a principle of this Constitution that representation and taxation should go hand in hand. This paragraph states that by the number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three fifths of all other persons (these persons are the *slaves*,) by these are representation and taxation to be apportioned. And this rule was adopted, because it was the language of all America. According to the Confederation, ratified in 1781, the sums for the general welfare and defence, should be apportioned according to the surveyed lands, and improvements thereon, in the several States : but that it hath never been in the power of Congress to follow that rule, the returns from the several states being so very imperfect.

In answer to a question by Mr. Widgery, if a boy of six years of age was to be considered as a free person, Mr. King said :

All persons born free were to be considered as freemen ; and to make the idea of *taxation by numbers* more intelligible, said that *five negro children* of South Carolina are to pay as much tax as the three Governors of New Hampshire, Massachusetts, and Connecticut.

The construction of the Senate being under discussion, Mr. King said † :

* Elliot's *Debates*, ii., 36.

† Elliot's *Debates*, ii., 47.

As the Senate preserved the equality of the states, their appointment is equal. To the objection to this branch, that it is chosen for too long a period, he observed if the principle of classing them is considered, although it appears long, it will not be found so long as it appears. One class is to serve two years, another four years and another *six years*; the average therefore is four years. The senators will have a powerful check in those men who wish their seats, who will watch their whole conduct in the general government, and will give the alarm in case of misbehavior. And the state legislatures, if they find their delegates erring, can and will instruct them. Will not this be a check? When they hear the voice of the people solemnly dictating to them their duty, they will be bold men indeed to act contrary to it. These will not be *instructions* sent them in a private letter, which can be put in their pockets; they will be public instructions, which all the country will see, and they will be hardy men indeed to violate them.* The powers to control the Senate are as great as ever were enjoyed in any government; and the members, therefore, will be found not to be chosen for too long a time. They are to assist the executive in the designation and appointment of officers; and they ought to have time to mature their judgment. If for a shorter period, how can they be acquainted with the rights and interests of nations, so as to form advantageous treaties? To understand these rights is the business of education. Their business being naturally different and more extensive than the other branch, they ought to have different qualifications; and their duration is not too long for a right discharge of their duty.

A discussion arose as to whether it was wise to give Congress the power of regulating the election of its own members, and Dr. Taylor, of Douglass,† “wished to ask the gentleman from Newburyport (Mr. King), whether the two branches of Congress could not agree to play into each

* It will be seen that Mr. King had no doubt of the right possessed by the Legislatures of the States, to instruct their representatives in the Senate of the United States, and of the obligation on the part of these Senators to obey their instructions.—ED.

† Elliot's *Debates*, ii., 49.

other's hands; and by making the *qualifications* of electors £100 by their power of regulating elections, fix the matter of elections so as to keep themselves in."

Hon. Mr. King rose to pursue the inquiry why the "*place and manner*" of holding elections were omitted in the section under debate. He said :

It was to be observed that in the Constitution of Massachusetts and other states the *manner and place* of elections were provided for ; the manner was by ballot, and the places towns ; for, said he, we happened to settle originally in townships. But it was different in the Southern States ; he would mention an instance. In Virginia there are but fifteen or twenty towns, and seventy or eighty counties ; therefore no rule could be adopted to apply to the whole. If it was practicable, he said, it would be necessary to have a district the fixed place ; but this is liable to exceptions ; as a district that may now be fully settled, may in time be scarcely inhabited ; and the back country, now scarcely inhabited, may be fully settled. Suppose this State thrown into eight *districts*, and a member apportioned to each ; if the numbers increase, the representatives and districts will be increased. The matter, therefore, must be left subject to the regulation of the state legislature, or the general government. Suppose the state legislature, the circumstances will be the same. It is truly said, that our representatives are but a part of the Union ; that they may be subject to the control of the rest ; but our representatives make a ninth part of the whole ; and if any authority is vested in Congress, it must be in our favor. But to the subject. In Connecticut they do not choose by numbers, but by corporations. Hartford, one of the largest towns, sends no more delegates than one of their smaller corporations, each town sending two, except latterly, when a town was divided. The same rule is about to be adopted in Rhode Island. The inequality of such representation, where every corporation would have an equal right to send an equal number of representatives, was apparent. In the Southern States the inequality is greater. By the Constitution of South Carolina, the city of Charleston has a right to send thirty representatives to the General Assembly ; the whole number of which amounts to two hundred. The back parts of Carolina have in-

creased greatly since the adoption of their constitution, and have frequently attempted an alteration of this unequal mode of representation ; but the members from Charleston, having the balance so much in their favor, will not consent to an alteration ; and we see that the delegates from Carolina in Congress have always been chosen by the delegates of that city. The representatives, therefore, from that state will not be chosen *by the people*, but will be the representatives of a faction of that state. If the general government cannot control in this case, how are the people secure ? The idea of the honorable gentleman from Douglass, said he, transcends my understanding ; for the power of control given by this section extends to the *manner* of election, not the *qualifications* of the electors. The qualifications are age and residence, and none can be preferable.

The powers of Congress being before the convention, Mr. King said * :

Mr. President it is painful for me to obtrude my sentiments on the Convention so frequently. However, Sir, I console myself with the idea that my motives are as good as those of more able gentlemen, who have remained silent. Sir, this is a very important clause, and of the highest consequence to the future fortune of the people of America. It is not my intention to go into any elaborate discussion of the subject. I shall only offer those considerations which have influenced my mind in favor of the article, in the hope that it may tend to reconcile gentlemen to it. It shall not be with a view of exhibiting any particular knowledge of mine ; for such is not my intention. Hitherto we have considered the construction of the general government. We now come, Sir, to the consideration of the powers with which the government shall be clothed. The introduction to the Constitution is in these words : *We, the people*, &c. The language of the Confederation is, *We, the States*, &c. The latter is a mere federal government of states. Those, therefore, that assemble under it, have no power to make laws to apply to the individuals of the states confederated ; and the attempts to make laws for collective societies necessarily leave a discretion to comply with them or not. In no

* Elliot's *Debates*, ii., p. 54.

instance has there been so frequent deviation from first principles, as in the neglect or refusal to comply with the requisitions of general governments for the collection of moneys.

In the ancient governments this has been the principal defect. In the United Provinces of the Netherlands, it has been conspicuously so. A celebrated political writer—I mean *John Dewitt*, formerly pensioner of Holland—said that in the Confederacy of 1570, though the articles were declared equally binding on the several provinces, yet any one had it in its power to comply with the requisition of the generality or not; and some provinces, taking advantage of this discretionary power, never paid anything. During forty years of war with Spain, the province of Holland paid fifty-eight parts of a hundred of all the expenses thereof. Two or three of the provinces never so much as passed a resolution to pay anything: and *Dewitt* says two of them paid not a single guilder. What was the consequence? In one instance, Holland compelled a neighboring province to comply with the requisitions, by marching a force into it. This was a great instance of usurpation, made in the time of war. The Prince of Orange, and the generality, found that they could not continue war in this manner. What was to be done? They were obliged to resort to the expedient of *doubling* the ordinary requisitions on the states. Some of the provinces were prevailed upon to grant those requisitions fully, in order to induce Holland to do the same. She, seeing the other states appearing thus forward, not only granted the requisitions, but *paid* them. The others did not. Thus was a single province obliged to bear almost the whole burden of the war, and, one hundred years after, the accounts of this war were unsettled. What was the reason? Holland had but one voice in the States-General—That voice was feeble when opposed by the rest.

This fact is true. The history of our own country is a melancholy proof of a similar truth. Massachusetts has paid, while other states have been delinquent. How was the war carried on with paper money? Requisitions on the states for that money were made. Who paid them? Massachusetts and a few others. A requisition of 29,000,000 of dollars were quotaed on Massachusetts, and it was paid. This state has paid in her proportion of the old money. How comes it, then, that gentlemen have any of this money by them? Because the other states have shamefully

neglected to pay their quotas. Do you ask for redress? you are scoffed at. The next requisition was for 11,000,000 of dollars, 6,000,000 of which was to be paid in facilities, the rest in silver money, for discharging the interest of the national debt. If the legislatures found a difficulty in paying the hard money, why did they not pay the paper? But 1,200,000 dollars have been paid, and six states have not paid a farthing of it.

Two states have not paid a single farthing from the moment they signed the Confederation to this day, if my documents are to be depended on, and they are open to the inspection of all.

Now, Sir, what faith is to be put in requisitions on the States for moneys to pay our domestic creditors and discharge our foreign debts for moneys lent us in the day of difficulty and distress? Sir, experience proves, as well as anything can be proved, that no dependence can be placed on such requisitions. What method, then, can be devised to compel delinquent states to pay their quotas? Sir, I know of none. Laws to be effective, therefore, must not be laid on states, but upon individuals. Sir, it has been objected to the proposed Constitution, that the power is too great, and by this Constitution is to be sacred. But if the want of power is *the defect in the old Confederation*, there is a fitness and propriety in adopting what is here proposed. Congress now have power to call for what moneys and in what proportion they please; but they have no authority to compel a compliance therewith. It is an objection in some men's minds, that Congress should possess the power of the *purse* and the *sword*. But, Sir, I would ask whether any government can exist, or give security to the people, which is not possessed of this power. The first revenue will be raised from the impost, to which there is no objection, the next from the excise; and, if these are not sufficient, direct taxes must be laid. To conclude, Sir, if we mean to support an efficient federal government, which under the old Confederation, can never be the case, the proposed Constitution is, in my opinion, the only one that can be substituted.

The fifth article, providing for amendments to the Constitution, was the subject of the following remarks by Mr King*:

* Elliot's *Debates*, ii., 116

He believed gentlemen had not, in their objections to the Constitution, recollected that this article was a part of it; for many of the arguments of gentlemen were founded on the idea of future amendments being impracticable. He observed on the superior excellence of the proposed Constitution in this particular, and called upon gentlemen to produce an instance, in any other national constitution where the people had so fair an opportunity to correct any abuse which might take place in the future administration of the government under it.

Notes of a speech in the convention of Massachusetts on the adoption of the Constitution—in Rufus King's handwriting:

The provision in the report of the Convention authorizes one Rep. for every 30,000 Inhabitants, ascertained as is there proposed. From the best materials that have been collected, the United States at this Time contain 3 mils. of Inhab. comprehending all the free Inhabitants and $\frac{1}{4}$ only of the Slaves. This number wd give 100 Rep.; it is sure that the first house will consist of only 65 members; but the Congress must cause the number of Inhab. to be taken within three yrs, and may do it within one. If the present numbers will give 100 Reps., and the Opinion is well founded, which we take to be the case, that the people of America double in 25 yrs., then in 25 yrs. the number of Reps. may be 200, in 50 years 400, in 75 years 800, and in one century 1600. It is true that the Rept. does not make it *necessary* that the members shall be thus increased, in a direct proportion; but it cannot be more numerous. This indeed appears to us a sufficient provision to produce such a Repr. of the people in the house of Reps. as will completely and safely accomplish the objects of their appointment. "That the people have no security for the right of election," the 2nd objection, is in our judgment as destitute of foundation as the first. Mr. Gerry* admits the right of elec-

* Mr. Gerry, who had refused to sign the Constitution, and had not been chosen a member of the Massachusetts convention, was by a vote of that body asked to be present during its deliberations, and to address it, showing his objections to the instrument under consideration. He did so, and Mr. King's remarks, as will be seen, are in part in answer to what he said.—Ed.

tion to be well deposited ; he agrees that only the Electors of Representatives to the most numerous Br. of the State Legislature ought to be Electors of Representatives to the federal Govt., and then asserts that the exercise of this Right, vested by the Rept. in the Electors, is not secured. We are at a loss to know how Mr. Gerry would support this assertion, or where the Report is defective on this point. The time, place, and manner of electing Representatives must in the first instance be prescribed by the State Legislatures, but the Congress may make or alter the regulations on the subject : possibly Mr. Gerry may ground his objection upon this authority's being vested in Congress. We wish to submit our remarks on this clause to your candid consideration. We agree and have always contended that the people ought always to enjoy the exclusive right of appointing their Reps. but we also hold it an important principle, that as it is of consequence to the Freedom of the people that they should possess the right of Election, so it is essential to the preservation and existence of the Government, that the people should be bound to exercise it. For this reason in the Constitution of Massachussets not only the persons are clearly designated and their qualifications ascertained, who may vote for Representatives, but the Genl. Court have a right to compel the Electors to exercise their right of Election and thereby to preserve the Government from Dissolution.

If the time, place and manner of Electing Representatives to the General Court was left entirely to the several Towns in the commonwealth, and if the constitution gave no power to the Genl. Court to require and compel the towns to elect Representatives, there wd. be a manifest defect in the Constitution, which, agreeably to the Course of human affairs, might in a short period subvert the Government. Town after Town from disaffection or other motives might refuse to elect Representatives ; counties and larger districts might combine against sending members to the General Court, and in this silent manner the Govt. might be wholly destroyed. If these remarks are just, as applying to this State and prove the propriety of vesting, as the Constitution has done, a power in the Genl. Court to compel the Electors to exercise their right of Election, they are equally just in Relation to Congress, and equally prove the propriety of vesting in that assembly a power to compel the Electors of the federal Represen-

tatives to exercise their rights, and for that purpose, if necessary, to make Regulations concerning the time, place and manner of electing members of the H. of Reps.

It may be said that the State Legislatures are more capable of regulating this Subject than the Congress ; that Congress may fix improper places, inconvenient Times, and a manner of electing contrary to the usual practice of the several States. It is not a very probable supposition that a law of this nature shd. be enacted by Congress : but let the supposition be ever so probable, as applied to Congress, it is thirteen times more probable that some one of the States may make these inconvenient Regulations as that Congress should enact them. Congress will be interested to preserve the United States entire and to prevent a dismemberment. The individual States may some of them grow rich and powerful ; and, as the great members of the antient Confederacies have heretofore done, they may be desirous of becoming wholly independent of the Union, and therefore may either omit to form any Regulations or Laws concerning the Time, place and manner of electing federal Rep. or they may fix on improper places, inconvenient Times, & a manner of electing wholly disagreeable to the people. Should either of these cases take place, and no power be vested in Congress to revise their Laws, or to provide other Regulations, the Union might be dismembered and dissolved without a constitutional power to prevent it. But this revisionary power being vested in Congress, the States will make wise and prudent regulations on the subject of Elections ; they will do all that is necessary to keep up a Representation of the People, because they know that in case of omission the Congress will make the necessary provision for this Object. (R. Island was required by Cong. (and refused) to send delegates.)

"Some of the powers of the Legis. are ambiguous and others indefinite and dangerous." This clause contains an imputation so very general that no reply in detail can be attempted without commenting on every sentence wh. forms the Grant of powers to Congress. Most of the sentences are transcribed from the present Confederation, and we can only observe that it was the intention and honest desire of the Convention to use those expressions that were most easy to be understood and least equivocal in their meaning ; and we flatter ourselves they have

not been entirely disappointed.* We believe that the powers are closely defined, the expressions as free from ambiguity as the Convention could form them, and we never could have assented to the Report, had we supposed the Danger Mr. G. predicts.

The Executive is blended with and will have an undue influence over the Legislature—The same objection might be made agt. the constitution of this State: the executive (and) legislative powers are connected in the same manner by our constitution as they are said by Mr. G. to be blended in the Rept. of the Convention. When the Govr. objects to a Bill it cannot become a law unless $\frac{2}{3}$ of both branches afterwards concur in enacting it; the same must be done by the Congress provided the president objects, but as experience has not proved that one Executive has an undue influence over the Legislature, we cannot think the objection well founded.

“The Judicial Department will be oppressive.” A concise examination of the Report on this subject may refute this unsupported objection. The president with consent of the Senate will appoint the Judges. The Governor with advice of Council appoints the Judges of this State. The Senate are in this instance in the nature of a Council to the President; and if we have no reason to complain of the manner in wh. the Judges in this Commonwealth are appointed, from the great similarity in the two cases there seems to be no ground of complaint agt. the manner of appointing the federal Judges. The Judicial Department is divided into a Supreme and inferior Courts. In a few enumerated instances the Supreme Court have original and final Jurisdiction: in all the other cases which fall within the federal Judicial, the Supreme Court may or may not have appellate Jurisdiction as Congress shall direct: for the appellate Jurisdiction of the Supreme Court is subject to such exceptions and regulations as Congress may think proper to establish; or in other words Congress may determine what causes shall be finally tried in the inferior courts, and in what causes appeals shall be allowed to the Supreme Court. But it may be said that in a trifling controversy between a citizen of M. and N. H., or between the U. S. and a citizen of any individual State, or in any of the cases where the Supreme Court have not original Jurisdiction, that either of the

* Mr. King was one of the Committee on the Revision of Style.

parties may carry the case by appeal from the inferior Court before the Supreme Court, and that the place of their session may be at one extreme of the Union, and thereby the Department may become highly oppressive. The same objection may be raised against the Judicial Department, as established in our constitution: because the General Court may erect a Supreme Court & Courts of common pleas & Justices Courts, it may be objected that in a small cause cognizable by a Justice of the peace of the County of Lincoln between an inhabitant of Cumberland and an inhabitant of Lincoln, or in an excise or impost cause between an Inhabitant of Lincoln & the Commonwealth, that either of the parties may appeal from the court of the Justice to the S. C., and that their sessions may be fixed by the G. Court in Berkshire, another extreme of the State, & thus the State Judicial may become oppressive. We again repeat a remark made on a former occasion, that as experience has not shewn this oppression of the Judicial under the constitution of the State, and as the General Court have from time to time made such laws as have prevented such oppression, we cannot but suppose that the members of the federal Government will be actuated by motives equally pure, and that they will enact laws in like manner tending to the ease and happiness of the people.

Distinction *between the power* to make a law & the law when made. Treaties of &c may be formed by the President with advice of $\frac{2}{3}$ of a Quorum of Senate. The clause as it stands in the Report is two 3d. of the Senators present. The Senate have power over their own members and can compel their attendance; if the Senators are all present, then no Treaty can be formed without the consent of nine States or eighteen Senators, and of the President. Under the present confederation, Treaties of the highest importance can be formed by the Delegates of nine States, without the concurrence of any other person; so that if the Senators attend the Duties of their office—and they may be compelled—instead of its being more easy as Mr. G. suggests to form Treaties, it in fact may be much more difficult than under the present Confederation, and in our judgment the public security will not only be increased, but the objects of Treaties will far more probably be obtained by the powers of forming them being

vested in the President & $\frac{2}{3}$ of the present Senators, than by their remaining, as is provided in the present Confedn.

The Report requires the joint consent of both branches of Congress together with ye concurrence of the Presidt. to declare war. This is preferable to vesting that power in the President and Senate ; and, as war is not to be desired, and always a great calamity, by increasing the Checks, the measure will be difficult—but as peace is forever to be desired, and can be alone obtained by Treaty it seemed preferable to trust it with the President & Senate.

When the constitution vests in the Legislature full power and authority to make and ordain all manner of wholesome & reasonable orders, laws, statutes, ordinances, directions & instructions, as is the case with the Constn. of this State (Cap. 1. Art. 1. Secn. 4), a Declaration or Bill of Rights seems proper : but when the powers vested are explicitly defined both as to quantity and the manner of their exercise, a Decn. or Bill of Rights is certainly unnecessary and improper.

CHAPTER XVII.

Correspondence—W. S. Smith—England's Affairs—C. Gore—Prospects of the Adoption of the Constitution—J. Adams's Opinion of the Constitution—R. King's Correspondence with J. Madison about the Massachusetts Convention—Theatre in N. Hampshire—Ratification of the Constitution by Massachusetts—New Hampshire Convention adjourned without Action—Letter from Genl. Washington—Congratulation on the Result in Massachusetts and believes Virginia will adopt—R. King's Proposal to buy a House in Cambridge—Massachusetts Politics—Maryland adopts—New York in doubt.

— W. S. SMITH TO RUFUS KING.

LONDON, January 1st.

DEAR SIR :

I have received your friendly Letter of the 27th of Oct. ulto. from Boston, and must acknowledge myself much obliged by this particular mark of your friendship and attention—you very justly conclude what my feelings have been & still are relative to the Conduct of this Court towards our Country. The King and his cabinet at the present day, would not be able to justify themselves to the nation at large, had they wisdom & spirit enough left, to ask for an explanation ; and confident I am, that unless they speedily alter their *modus agendi*, posterity will have just cause to loath their memory. But the nation have surrendered themselves to Royal Guidance, and will never recollect their situation untill the Career of administration shall have pressed them to the very brink of destruction—they are buried in bribery and Corruption and laugh Patriotism & public virtue out of Countenance, and as for the King & his cabinet, they would rather gratify the envy and spleen of the present moment and risk the shocks of fortune, than attempt to submit the direction of their conduct to wisdom and Liberty.—I cannot recollect a single

transaction of his reign, but what has tended to an accumulation of the misfortunes on his people & seem inclined to hurry them on to that crisis, when they will be forced to this decision, whether they shall lose their liberty or he his Crown—this last act of the Parliament previous to the holy days considerably increased the standing forces of the Kingdom & they appear to me perfectly disposed to give their sanction to everything that the King may project & the minister introduce into the House of Commons—but they may find sufficient employment for this force, before long—for I cannot yet consider the political question in the Netherlands to be adjusted—questions of that kind are not so easily settled—and France herself is not overburthened with that Christian like disposition, which teaches—to forget and forgive—there has been a most Curious scene exhibited in Europe since September last—The young King of Prussia has permitted himself to be made the Puppet of the show, but unless my guess fails me, he will yet be made to smart severely for his dance, & England will feel the end of the rod which is in soak for him. The projects tending to this correction would have been in great forwardness at the present day—was not France kept painfully in Check, by threatening internal commotions; the contest between the King & his Parliaments have arisen to a very alarming height & the Parliament of Bordeaux have actually returned from Exile in contradiction to the express Edicts of the King—one of my Correspondents in Paris says “I think that in the course of three months the royal authority has lost & the rights of the nation gained, as much ground by a revolution of public opinion only, as England gained in all her civil wars under the Stuarts. I rather believe too they will retain the ground, because it is defended by the young & the middle aged, in opposition to the old only, the first party increases & the latter diminishes daily from the course of nature”—However any material point gained by either Party which will tend to tranquilize the national affairs, will I think finally be productive of hostilities towards this Country, & when that takes place, America will find herself delicately situated, but by no means dangerously, provided our fellow Citizens will establish a respectable foederal Government.—It may give you some satisfaction to know our friend Mr. Adams’s opinion of the Constitution now under consideration, I send you

a Copy of part of his last letter to me, which is to close the 3d Vol: of his Work—you may peruse it, shew it to federal men (whom heaven preserve) or publish it as you think best—I propose sailing in the April Packett for New York, when I hope to have an opportunity of personally assuring you of the regard with which I am Dr. Sir—your obliged friend & humble sert.

W. S. SMITH.

✓C. GORE TO RUFUS KING.

BOSTON, January 6, 1788.

MY DEAR SIR :

Your favor by last night's post has quite damp'd my spirits—your presence is extremely necessary to the well being of that object we all have in view—however it is unfriendly for me to say further on this subject—I know your wishes correspond with that of your friend, and at the same time that your affections & duty forbid your leaving N. York till Mrs K. is better.

Agreeable to invitation as mentioned in my last all the delegates from this town, din'd on Thursday with Mr. B. (The Govr. & Jn Winthrop excepted), the former is confined to his bed with the gout. In the afternoon & evening the Constitution was the subject of conversation till 10 o'clock—Mr Adams was open & decided agt. it.—That such a Govt. could not pervade the United States—that internal taxes ought not to be given to the Union—that the representation was inadequate—that a Govt. might be formd. from this—but this would never answer and ought not to be adopted, but on Condition of such amendments as would totally destroy it—these objections were supported by such arguments & such only as appear in the pieces of Brutus & federal farmer—to close all, he told me on our parting that people said they could not find out the sentiments of Mr Adams—it was strange, for he had always been as explicit as he then was, and to Mr King he stated every objection then made—the next day when these observations came to be publicly mentioned—many appeared who declare that Mr A. told them no one did or should know his sentiments on the subject—it is reported that, Mr W. & others have said that the tradesmen of the town were opposed to

the constitution—on which they have called a meeting, to be held tomorrow night—when there is no doubt they will express their sentiments as highly favourable to the plan, and their great anxiety that it should be adopted—this may possibly have effect on Mr A, if not—it will affect his E—who wavers as I am informed, & one other who is greatly influenc'd by A—& has no fixed sentiments—if I were not in hopes that this would not meet you at N. York—I would enclose you ye resolves the tradesmen talk of adopting on this subject—however if they are not in Wednesday's paper you shall have them from me by that night's post. Mr A., unless affected by some such step as these, will be indefatigable & constant in all ways & means to defeat the adoption of the proposed frame of *Government*—All agree to elect Mr Hancock as prest. and so this step will be taken to conciliate.—The opponents to the Constitution in the town of Newbury attempted to obtain a town meeting for the purpose of instructing their delegates to vote agt. its adoption—but they could not even gain a vote to choose a moderator—Ipswich in the same attempt was equally unsuccessful—but it is said the Eastern delegates will generally be opposed, because they think, that it will postpone their separation—would it not be well for you & Thacher to write them on this subject? Widgery is coming & Judge Rice from Pownallborough—both are its adversaries on this ground—farewell. . . .

Your friend,

C. GORE.

R. KING TO J. MADISON.

NEW YORK, Sunday, 6th January, 1788.

DEAR SIR :

I send you a copy of the Confederation of the New England Colonies together with a few extracts from the Journals of the commissioners. As I hope to leave town on Tuesday for Boston, I pray you to return me these papers some time tomorrow. You are sensible that information from the Southern States relative to the proposed Constitution will be of importance to us in Boston while

engaged on that subject. This remark will apologize for the request, which I take the liberty of making, that you would have the goodness to inform me by post of anything interesting on that subject which you may obtain during my absence ; on the other hand I will inform you of our hopes and fears.

With great esteem,

RUFUS KING.

Madison MSS., Dep. Washington.

R. KING TO JAS. MADISON.

BOSTON, 16th January, 1787. (88)

DEAR SIR :

We may have 360 members in our convention, not more than 330 have yet taken their seats ; immediately after the settlement of elections, the Convention resolved that they would consider and freely deliberate on each paragraph without taking a question on any of them individually, and that on the question whether they would ratify, each member should be at liberty to discuss the plan at large. This resolution seems to preclude the idea of amendments, and hitherto the measure has not been suggested. I however do not from this circumstance conclude that it may not hereafter occur. The opponents of the Constitution moved that Mr. Gerry should be requested to take a seat in the convention to answer such enquiries as the Convention should make concerning facts which happened in the passing of the Constitution. Although this seems to be a very irregular proposal, yet considering the jealousies which prevail with those who made it, (who are certainly not the most enlightened part of the Convention) and the doubt of the issue—had it been made a trial of strength—several friends of the Constitution united with their opponents and the resolution was agreed to, and Mr. Gerry has taken his seat. To-morrow we are told certain inquiries are to be moved for by the opposition ; and Mr. Gerry, under the idea of stating facts, is to state his reasons, &c. They will be opposed and we shall on the division be able to form some idea of our relative strength. From the men who are in favor of the Constitution

every reasonable explanation will be given and arguments really new, and in my judgment most excellent, have been and will be produced in its support.

But what will be its fate, I confess that I am unable to discern. No question ever classed the people of this State in a more extraordinary manner or with more apparent firmness.

Farewell, yours &c.,

RUFUS KING.

Madison Papers, Washington.

/ R. KING TO JAS. MADISON.

BOSTON, January 20, 1788.

DEAR SIR :

Our Convention proceeds slowly ; an apprehension that the liberties of the people are in danger, and a distrust of men of property or education have a more powerful effect upon the minds of our opponents than any specific objections against the Constitution. If the opposition was grounded on any precise points, I am persuaded that it might be weakened, if not indirectly overcome. But every attempt to remove their fixed and violent jealousy, seems, hitherto, to operate as a confirmation of that baneful passion. The opponents affirm to each other that they have an unalterable majority on their side. The friends doubt the strength of their adversaries, but are not entirely confident of their own. An event has taken place relative to Mr. Gerry, which without great caution may throw us into confusion. I informed you by last post on what terms Mr. Gerry took a seat in the Convention. Yesterday in the course of debate on the Constitution of the Senate, Mr. G., *unasked*, informed the Convention that he had some information to give the Convention on the subject then in discussion. Mr. Dana and a number of the most respectable members, remarked upon the impropriety of Mr. G.'s conduct. Mr. G. rose with a view to justify himself. He was immediately prevented by a number of objectors ; this brought on an irregular conversation whether Mr. G. should be heard—the hour of adjournment arrived, and the President ad-

journed the House. Mr. Gerry immediately charged Mr. Dana with a design of injuring his reputation by partial information and preventing his having an opportunity to communicate important truths; this charge drew a warm reply from Mr. Dana, the members collected about them, took sides, as they were for or against the Constitution & we were in danger of the utmost confusion—however, the Gentlemen separated, and I suppose to-morrow morning will renew their discussion before the Convention.

With esteem & regard I am,

RUFUS KING.

Madison Papers, Washington.

JOHN HENRY TO RUFUS KING.

NEW YORK, January 23, 1788.

SIR :

I done myself the Honor of waiting on you yesterday, and was informed you had left town these twelve days past. I have to apologize for not having done it before; but a severe indisposition alone prevented me. I take the liberty of reminding you of your kind offer to me, and as I have not the smallest doubt of such powerful patronage being successfull, should there be no Law against Theatrical entertainments in New Hampshire, request that you will add to the favour by an enquiry (should we be so fortunate as to obtain permission) of what size the House in Portsmouth is, heretofore used by the Gentlemen of that Town as a theatre; and if the height, breadth and length could be obtained, also at what rent it might be hired per month, quarter, or year, it would be highly acceptable.

You see, my Good Sir, the trouble your politeness and kind attention to us is likely to occasion you. To most persons it would be necessary to frame excuse and apology for so great a freedom, but conscious that I have the honor of addressing one of the most liberal minds of the Western World, I make known my wishes without ceremony, or trespassing on your patience by complimenting your Generosity: satisfied that to the truly liberal, the power of serving a harmless set of people is in itself the most certain incentive.

Should we be happy in our wishes, you may rely on it, your recommendation will not be either publicly or privately disgraced, that our best and Grateful wishes will be daily offered for our Gracious patron, that your kindness will live in our Memorys dearly cherished, and that on all occasions we shall be happy to acknowledge, and proud to deserve your kind exertion in our favour. With the most Grateful Sensations, I have the Honour to be, Sir, &c.,

JOHN HENRY.

R. KING TO J. MADISON.

BOSTON, January 23, 1788.

DEAR SIR :

(Our prospects are gloomy, but hope is not entirely extinguished. Gerry has not returned to the Convention, and I think will not again be invited. We are now thinking of amendments to be submitted not as a condition of our assent & Ratification, but as the opinion of the Convention, subjoined to their ratification. This scheme may gain a few members, but the issue is doubtful.)

Farewell,

R. KING.

R. KING TO JAMES MADISON.

BOSTON, January 27, 1788.

DEAR SIR :

I hope your information will be confirmed that the tide is again turning in favor of the Constitution in Virginia. We make but slow progress in our Convention. (The friends of the Constitution, who in addition to their own weight are respectable as they represent a very large proportion of the good sense and property of this State, have the task not only of answering, but also of stating and bringing forward the objections of their opponents. The opposition complains that the Lawyers, Judges, Clergymen,

Merchants and men of education are all in favor of the Constitution—and that for that reason they appear to be able to make the worse appear the better cause. But say they, if we had men of this description on our side, we should alarm the people with the imperfections of the Constitution and be able to refute the defence set up in its favor. Notwithstanding the superiority of talent in favor of the Constitution, yet the same infatuation which prevailed not many months since in several Counties of this State, and which emboldened them to take arms against the Government, seems to have an uncontrollable authority over a numerous part of the Convention. These objections are not directed against any part of the Constitution, but their opposition seems to arise from an opinion that is immovable, that some injury is plotted against them—that the system is the production of the rich and ambitious, that they discover its operations and that the consequence will be the establishment of two orders in the Society, one comprehending the opulent and great, the other the poor and illiterate. The extraordinary Union in favor of the Constitution in this State of the Wealthy and sensible part of it, is in confirmation of these opinions and every exertion hitherto made to eradicate it, has been in vain.

We have avoided every question, which would have shown the division of the House ; of consequence we are not positive of the numbers on each side ; by the last calculation we made on our side, we were doubtful whether we exceeded them, or they us. They however say that they have a majority of eight or twelve against. We by no means despair. . . .

[*Rest, if any, torn off.*—ED.]

— R. KING TO JAMES MADISON.

BOSTON, Wednesday, January 30, 1788.

DEAR SIR :

This day for the first time our President, Mr. Hancock, took his seat in the Convention, and we shall probably terminate our business on Saturday or Tuesday next. I cannot predict the issue, but our hopes are increasing. If Mr. Hancock does not

disappoint our present expectations, our wishes will be gratified ; but his character is not entirely free from a portion of caprice. This however is confidential.

Farewell, yours &c.,

RUFUS KING.

Madison Papers, Washington.

/ R. KING TO J. MADISON.

BOSTON, Sunday, Feby 3d, 1788.

DEAR SIR :

I enclose a newspaper containing the propositions communicated by Mr. Hancock to the Convention on Thursday last. Mr. Adams (Mr. Samuel Adams) who contrary to his own sentiments has hitherto been silent in the Convention, has given his public and explicit approbation of Mr. Hancock's propositions. We flatter ourselves that the weight of these two characters will ensure our success, but the event is not absolutely certain. (Yesterday a Committee was appointed on the motion of a doubtful character to consider the propositions submitted by Mr. Hancock and to report tomorrow afternoon. We have a majority of Federalists on this Committee and flatter ourselves the result will be favorable.) I have not time to add except that I am with esteem,

Yours,

R. KING.

P. S.—We shall probably decide on Thursday or Friday next when our members will amount to 363. Gerry has kept at Cambridge, and our opponents say nothing of his re-invitation.

("Read the above immediately and send it back by the bearer who will wait for it. I shall be glad of the newspaper in about an hour and a half.")

Madison Papers, Washington.

These words appear to have been addressed to Col. Hamilton by Mr. Madison, in sending him the above letter to read.

— R. KING TO GEN. KNOX.

BOSTON, Feby. 1, 1788.

DEAR GENERAL :

Hancock has committed himself in our favor and will not desert the cause. Saturday's "Centinel" will give you an idea of his plan. The Federalists are united in that system; and, as Adams has joined us on this plan, we are encouraged to think our success probable.

Gerry keeps close at Cambridge & his adherents have made no motion for his recall. (Mr. Hancock's propositions were yesterday referred to a Committee from each county: they meet today and we hope favorably from their deliberations, a majority being Federalists.

The final question will probably be taken in five or six days. You will be astonished, when you see the list of names, that such an union of men has taken place on this question. Hancock will hereafter receive the universal support of Bowdoin's friends; and *we told him, that, if Virginia does not unite, which is problematical, he is considered as the only fair candidate for President.*

— R. KING.

— R. KING TO JOHN LANGDON.

BOSTON, 6 Feb., 1788.

MY DR. FRIEND :

It affords me the most sincere pleasure to inform you that on the final Question to ratify the Constitution, we divided 187 for, and 168 against the Ratification. (The Ratification is unconditional & absolute, but we have recommended certain amendments to the Delegates first appointed under the Government. Farewell, and do you likewise.)

— R. KING.

— R. KING TO J. MADISON.

BOSTON, 6 Feby., 1788.

MY DEAR SIR :

I have the satisfaction to inform you that on the final question of assenting to and ratifying the Constitution, our Convention divided and 187 were in the affirmative and 168 in the negative ;

the majority, although small, is extremely respectable, and the minority are in good temper. They have the magnanimity to declare that they will devote their lives and property to support the Government; and I have no doubt but the ratification will be very cordially & universally approved through our State. New Hampshire will undoubtedly decide in favor of the Constitution. Their Convention met today.

God bless you—yours &c.,

R. KING.

JAMES MADISON, ESQ.

R. KING TO THEOPHILUS PARSONS.

NEW YORK, Feby 20, 1788.

DEAR SIR :

By the British Packet which arrived this morning, I have a letter from Col. Smith,* inclosing an Extract from the concluding letter of Doctr. Adams' third vol. on the American Constitutions. The Extract is too long to be copied at this time. I subjoin the conclusion of it, which will explain the Doctor's opinion concerning the new Constitution.

Extract of a letter dated Grosvenor Square, Dec. 26. 1787.

"It is now in our power to bring this work to a conclusion with unexpected dignity. (In the course of the last summer, two authorities have appeared greater than any that have been before quoted, in which the principles we have attempted to defend have been acknowledged. The first is an Ordinance of Congress of the 13. July 1787 for the Government of the Territory of the United States North West of the River Ohio. The second is the report of the Convention at Philadelphia of the 17th of September 1787. The former confederation of the United States was formed upon the model and example of all the Confederacies antient and modern, in which the federal Council was only a diplomatic body.) Even the Lycian, which is thought to have been the best, was no more. (The magnitude of the Territory, the population, the wealth and commerce, and especially the rapid

* See letter Jany 1, 1788.

Growth of the United States have shown such a government to be inadequate to their wants; and the new system which seems admirably calculated to unite their interest and affection and bring them to an uniformity of principles and sentiments, is equally well combined to unite their wills and forces as a single nation.

"A result of accommodation cannot be supposed to reach the ideas of perfection of any one, but the conception of such an idea and the deliberate union of so great and various people in such a place, is without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen. That it may be improved is not to be doubted, and the provision is made for that purpose in the report itself. A people who could conceive and can adopt it, we need not fear will be able to amend it, when by Experience its inconveniences and imperfections shall be seen and felt."

Col. Smith observes in his letter that Mr. Adams wished no concealment of his opinion on this subject; and I think its publicity may be useful. I am without a frank; if the Doctor's opinion is not worth the postage, you value it much less than I do.

With sincere esteem & Respect, I am, dear Sir

Your friend,

RUFUS KING.

JOHN LANGDON TO R. KING.

PORTSMOUTH, Feby. 23, 1788.

DEAR SIR :

I am sorry to inform you that our Convention adjourned yesterday (to meet again in June next) without completing the important business of adopting the Constitution. Contrary to the expectation of almost ev'ry man of reflection at our first meeting, a majority appeared against the plan, a great part of whom had positive Instructions to vote against it; however after spending ten days in the arguments a number of opponents came to me and said they were convinced and should be very unhappy to vote

against the Constitution which they (however absurd) must do, in case the question was called for. I therefore moved for the adjournment which was carried though much opposed by the other side. This question determined a majority in favor of the Constitution, had it not been for their Instructions. This shews the fatality of the times.

Believe me sincerely yo. mo. obdt. St.

JOHN LANGDON.

GEORGE WASHINGTON TO R. KING.

MOUNT VERNON, 29 Feby., 1788.

SIR :

I have received the letter with which you were pleased to honor me from Boston, and pray you to accept my thanks for, and congratulations on, the important information it contains.

Happy am I to see the favorable decision of your Convention upon the proposed Government ; not only on acct. of its adding an important State to the number of those which have already accepted it, but because it must be productive of good effects in other States, whose determination may have been problematical. It will have its weight.

From my own knowledge, I cannot undertake to say what will be the fate of the Constitution in this State. I am altogether indebted to Gentlemen who visit me for information respecting the disposition of the people towards it, not having gone Six miles beyond the limits of my own farms since my return from Philadelphia. From these accounts no doubt from the first has been ascertained in my mind of the acceptance of it here, notwithstanding the *indefatigable* pains which some very influential characters take to oppose it.

I beg you to present me in respectful terms to Mrs. King, and to receive assurances of the esteem and regard with which I have the honor to be

Sir, Yr. Most Obdt. Hble. Ser.

G. WASHINGTON.

— C. GORE TO R. KING.

BOSTON Feby. 13, 1788.

DEAR SIR :

I am happy to hear you arrived in due season for the stage from Hartford. . . . Mr. Lane has convers'd with me on the Cambridge place ; he will sell, I presume, for £4000. Tho' he did not say he woud—he will go in a few days for New London & embark thence for S. Carolina. He wishes you to meet him with a line at New London—if the business cannot be effected in this manner, he leaves full power with Lowell to sell at what price he (Lowell) shall think proper. Your friends, in this quarter, are very anxious to have you among them—if possible to gratify them & especially myself, pray conclude the bargain, and be again a son of Massts. . . . Everything is tranquil & conducive to the happiness of America.

Your friend,

C. GORE.

—
/ C. GORE TO R. KING.

BOSTON March 2, 1788.

DEAR KING :

Your favor of last night's post duly arriv'd and Dr. Adams' letter, which, to say the least, is a great quieter, will be published in the paper of to-morrow. Lane will leave a power with Lowell to dispose of his Cambridge estate. On this subject, my earnest wish is that you shoud agree. Pray meet him with a line from New York at New London.

Gov. Cushing is dead—The interests of our country will be advancd. by Lincoln's supplying his Station : our town will be unanimous for him. Adams, Warren & many more will be candidates—Gorham has interest but cannot succeed efficiently with the General Court. His offering himself for a candidate, may disturb the tranquillity of the commonwlth, but cannot secure him the place. (A large meeting of the antifederalists was held last week at Dudley in Worcester County & resolved to send messengers into every town in the counties of Worcester, Berk-

shire, Hampshire & Bristol & Middlesex, pointing the inhabitants of these places to Gerry & Warren for Govr. and Lt. Govr.—They will be unremitted and will prevail—unless the friends of Government are equally warm, attentive & united. If Gorham pursues this object, the emoluments of wh. will now be diminished, he may possibly destroy his claim to a continental post of more lasting and beneficial avail. I know he has great confidence in your opinion & that of Genl. Knox—and a line from you & him might turn his support to a true and proper point. For the good of Massachusetts and our worthy friend Lincoln, I earnestly request that you & K. would write immediately & forcibly on this business to Mr. G. ; he can disturb the tranquillity of the Commonwealth, he can aid the election of Gerry & Warren or Adams ; he may possibly destroy the good he has done in promoting the adoption of the fed. Govt. & will certainly damp the ardor of his friends & increase the opposition of his enemies to the attainment of any great purpose of his own future emolument, by proposing himself a candidate for the office of Lt. Govr. By openly withdrawing his claim, he may and certainly will, in Massachusetts, secure to himself the fervent support of all good men in attaining the object of his desires. The Govr. accedes to the vacancy being supplied by Lincoln ; this is another point which ought to be attended to by Mr. G. and his friends. You & Genl. Knox can save this man from playing the fool with himself & injuring a good cause. I therefore beseech you to be instant and warm in your endeavours on this subject.

Farewell, your friend,

C. GORE.

N. GORHAM TO R. KING.

CHARLESTOWN, April 6, 1788.

MY DEAR SIR :

The Legislature have ended the session without doing any mischief. The utmost prudence & moderation was necessary & it was exerted. Things were so critically situated that the publication of the papers would have been injurious ; neither will it now be of service, as the people so far as applies immediately to the

federal Government are perfectly quiet. Electioneering at present engages the attention but tomorrow you know closes that business. Mr. Gerry will have about $\frac{1}{2}$ part of the votes as Governor. For Lt. Govr., I presume there will be no choice by the People. I think General Warren will have the greatest number of votes.

O. Phelps and I have purchased the Western land; we have agreed with the N. York purchasers to consolidate the titles—we expect to make money by it—notwithstanding which if you wish to take an eighth or 120th part you may have it upon terms similar to ours. Do sit down and write me all the news & prospects from Maryland & Virginia . . .

Yours,

N. GORHAM.

—
/ OLIVER PHELPS TO RUFUS KING.

GRANVILLE, April 5th, 1788.

HONBLE. RUFUS KING, SENR.

SIR :

(Mr. Gorham & myself have at last closed a contract with this Commonwealth for their Western Territory, as you will see by the inclosed Resolution of the Legislature (passed April 1, 1788). Mr. Gorham informed me, that you mentioned to him last fall that you would like to be interested in those Lands, if this is still your wish we shall be happy in admitting you as an associate.) We propose dividing the purchase into 120 shares. If you may incline to take one or more of those shares please write me or Mr. Gorham.

In haste am Sir your very humble Servant

OLIVER PHELPS.

Our State notes are now at $\frac{3}{4}$ on ye pound. I do not think they will rise above 4. There are about £1,300,000 in circulation. (The contract was to pay in these notes.)

Endorsed by R. King: "Oliver Phelps 5 ap. 1788, offering a share in the purchase of the Western Lands"—declined any concern. R. K.

/ R. KING TO JOHN LANGDON.

NEW YORK, 16 Apl., 1788.

DR. SIR :

I enclose under a Frank which General Knox has given me an address to the people of this State which may be of use in New Hampshire : if you should judge it a publication of value, I think the public Happiness will be advanced by circulating it in your State. Be assured that you ought not on any consideration to omit every exertion which prudence and virtue will authorise in favor of the constitution ; very much will depend on your Decision. Georgia has ceded upwards of Thirty Millions of acres of land lying between the 31st° & 33d° degrees of lat. and between the Apalachicola and the Mississippi, to the United States, on condition that nine or more States ratify the new constitution. We have no news from So. or North Carolina—the former is said to be federal & the latter doubtful.

The accounts of the Elections from Virginia indicate that the parties will be powerful and nearly equal. Our hopes are great that Maryland will be right, Luther Martin notwithstanding ; but we are not so confident of Maryland as we once were of New Hampshire. It is exquisitely problematical what the issue of the Business will be in this State—both parties are indefatigable and each seems confident of success.

New Hampshire must determine right and preserve our country.

With great respect & Friendship your obn. & very Hble. Servt.
RUFUS KING.

/ R. KING TO JOHN LANGDON.

NEW YORK, 4 May, 1788.

DR. SIR :

Maryland has adopted the Constitution on a division of sixty-three affirmatives and Eleven Negatives : the Convention sat but one week, and that we are told was mostly spent in hearing Mr. Mercer and one or two anti-federalists. The Convention meets

in South Carolina on the 12th instant, and we have the highest confidence of their assent. The accounts from Virginia are more and more favorable, and it seems agreed by every one that the great unanimity of Maryland will have a very favorable effect on that State. (The Elections were made in this State during the last week, but the result is as yet unknown except in this city. Of three thousand votes given in this city, it is supposed that not more than two hundred were in favor of the antifederal Ticket, which was headed by Governor Clinton.) Mr. Jay. Mr. Duane, Chancellor Livingston, Col. Hamilton, Judge Morris, Judge Hobart, Mr. Harrison, Mr. Rosevelt & Mr. Nicholas Low, who composed the federal ticket, had the other votes and are elected—(from the information which I have obtained concerning this State, I am rather inclined to think they will adopt the Constitution.) I hope and believe that New Hampshire will be in better company than that of R. Island. I shall be mortified if I am disappointed. Mrs. King will accompany me to Boston in about a Fortnight, and we do not intend denying ourselves the pleasure of visiting Portsmouth, although we shall be disappointed in the Pleasure of seeing you there. Concord is a long distance from the metropolis. With great respect & Esteem I am Dr. Sir, your obedt. & very humb. Servt.

R. KING.

/ C. GORE TO R. KING.

BOSTON, April 9, 1788.

MY DEAR SIR :

Your accounts from Virginia and Maryland are very pleasing, tho' our friend Thacher is confident that Virginia will dissent. (Our elections for Govr., Lt. Govr. & Senators in the lower counties discover a decided superiority of Government over its opponents. We shall have six good Senators from Essex & the like number from Suffolk. Middlesex probably four good. On a fair calculation our Senate will be better than the last year.) We can say nothing certain as to Lt. Govr., tho' it is clear that Warren will not be elected by the people. . . .

Sincerely yours,

C. GORE.

— JOHN LANGDON TO R. KING.

PORTSMOUTH, May 6, 1788.

MY DEAR SIR :

I am honour'd with your kind favor of the 16th ulto. inclosing the Address of the people of New York, which is greatly admired here. I shall take great care to circulate this and all other pieces that will give light on the subject. You may depend every exertion shall be made that is Possible to promote the adoption of the Constitution ; and I have no doubt notwithstanding our late Disappointments and Mortification, we shall finally prevail, and thereby make the people happy in spite of their teeth as the sayg. is.

I think affairs to the South look well. Maryland will certainly adopt the plan and I have but little doubt of South Carolina. We must watch and pray for Virginia and North Carolina. I cannot help thinkg. but they'll both agree to it. New York & New Hampshire must agree to the plan, which will Compleat our Business.

The State of Georgia ceding that Territory to the United States under Certain Restrictions, will have very good effect. Pray make my very kind Respects to your Lady, not forgetting the little Bantling, also my Respects to Mr. Alsop.

Believe me with the highest sentiments of esteem

Dr. Sir your most obed. Serv.,

JOHN LANGDON.

— CHARLES COTESWORTH PINCKNEY TO R. KING.

CHARLESTON, May 24, 1788.

DR. SR. :

I most sincerely congratulate you on the encrease of your family. The great pleasure Mrs. Pinckney & myself experienced in your & Mrs. King's company last summer will ever make us anxious to hear of your welfare and we affectionately participate in this addition to your happiness.

(This State has ratified the federal Constitution by a majority of 149 to 73. The Anti-federalists had been most mischievously in-

dustrious in prejudicing the minds of our Citizens against the Constitution. Pamphlets, speeches & Protests from the disaffected in Pennsylvania were circulated throughout the State, particularly in the back country ; but notwithstanding all the Arts of those who were determined to prevent the adoption of the Constitution if they possibly could, it was received and confirmed, after being ten days under debate, by the above respectable majority. Our minority then imitated the candour of the minority of your State, and declared that they would exert themselves when they returned home in reconciling the minds of their neighbours to the Constitution now adopted by their country. . . .

Your sincere Friend

CHARLES COTESWORTH PINCKNEY.

✓ R. KING TO JAS. MADISON.

[Madison Papers, Washn.]

NEW YORK, May 25, 1788.

DEAR SIR :

I leave this city to-morrow for Boston, and shall be extremely obliged to you to inform me of the progress and determination of your Convention. You can with difficulty conceive the real anxiety experienced in Massachusetts concerning your decision. There remains no doubt that a very large majority of the people of Massachusetts are in favor of the Federal Constitution. The late elections for Governor, Lt. Governor, Senators & Representatives incontrovertibly prove it. Mr. Gerry is elected to no office. Mr. Warren the Speaker of the last House is not a member of the Legislature for this year. Hancock has four fifths of the votes for Governor and Gerry, the residue. Mr. Warren who was the Antifederal Candidate for Lt. Governor has about one fifth of the Votes. Lincoln has nearly half, but not a majority of the whole number. The other votes for Lt. Governor are divided principally between Mr. Adams and Mr. Gorham. You will recollect the manner of electing our Senate ; thirty one of the forty members have this year been elected by the people, of which only six are antifederal.]

(The late Elections in Connecticut have confirmed the decision of their Convention ; the leader of the opposition, General James Wadsworth (who was for many years a Member of their Council and was almost the only man of any sort of Consequence in that State who opposed the federal Constitution) has not been re-elected to Councillor.) The intelligence from New Hampshire is favorable and I cherish a rational Expectation that they will adopt the Constitution by a handsome majority. Your correspondence with Hamilton and others will furnish you with the prospects in this State. Direct your letters (if leisure permits your writing) to me at Boston and be assured that I am very respectfully,

Dr. Sir, your obedt. & very humble Servt.,

RUFUS KING.

JAS. MADISON, JR., TO R. KING.

RICHMOND, June 4, 1788.

DEAR SIR :

I thank you sincerely for your favor previous to your leaving N. York. The information you give in it is agreeable and useful.

Our Convention met on Monday. I did not arrive till the evening of that day. Mr. Pendleton had been unanimously put in the chair. The debates commenced to-day. The Govr. has declared the day of previous amendments past, and thrown himself fully into our scale. Mr. L—n & H—y appeared to take different & awkward ground & the federal party are apparently in the best spirits. There is reason to believe, nevertheless, that the majority will be but small & may possibly be yet defeated. There are several perplexing circumstances with which we have to contend, and of which the utmost advantage will be taken. A little time will enable me to speak in more explicit language.

Adieu. Yrs. affectly.,

JAS. MADISON, JR.

— R. KING TO J. LANGDON.

BOSTON, 10th June, 1788.

DEAR SIR :

I wrote you a few days since by way of Portsmouth. I am happy in offering you my congratulations on the adoption of the Constitution by South Carolina—the papers will shew the unanimity of their Convention and the candor of their minority. I sincerely hope that New Hampshire will be the ninth State, this she will be if your Convention decide soon after their meeting.

Virginia undoubtedly will accede. The opposition is greatly weakened, their session will be lengthy, but the constitution will be ratified probably in the manner of Massachusetts. The influence of your decision will be very great in New York. I am desirous to impress this Idea ; and to request that immediately after your ratification you despatch an express with a letter addressed to our friend Alexander Hamilton Esq. member of the New York Convention at Poughkeepsie—Let your express cross the country to Springfield in Massachusetts, and deliver the letter to William Smith Esq. of that place, who will forward the same to Col. Hamilton. Any expence which you may incur will be cheerfully repaid by, Dear Sir,

Your Most Humb. Servt.

RUFUS KING.

— JAS. MADISON, JR., TO R. KING.

RICHMOND, Monday, June 9th, 1788.

DEAR SIR :

I have been for two days and still am laid up with a bilious attack. Writing is scarcely practicable & very injurious to me. I can only say to you therefore, appearances have not changed since my last. I think we have a majority, but the other party are ingenious and indefatigable.

I wish you all happiness & am yrs.

JAS. MADISON, JR.

✓ JAS. MADISON, JR., TO R. KING.

RICHMOND, June 13, 1788.

DEAR SIR :

I am tolerably well over the bilious indisposition which confined me at the date of my last. The progress of the Convention is extremely slow ; though from the impatience of the members, I think the Session will not be long. The issue of it is more doubtful than was apprehended when I last wrote. (The ostensible points of opposition are direct taxation, the imperfect representation in the H. of Reps. the equality in the Senate, regulation of Trade by majority & the Judiciary Depart. The first and last are dwelt on most. Besides these the Mississippi, the Indiana claim with some other local matters are made a great handle of, particularly out of doors where the chief mischief is effected. My present idea is that the vote of Kentucky will turn the scale) and there is perhaps more to fear than to hope from that quarter. The members arrived generally under the adverse bias produced by a combination of efforts to mislead them. The majority on either side will be small and at present the event is ticklish as can be conceived. The leaders of the opposition are in correspondence with New York & probably with the minority of Maryland. Oswald was here a day or two on confidential business with them and is returned.

Adieu, yours affectly.

JAS. MADISON, JR.

✓ R. KING TO A. HAMILTON.*

BOSTON, June 12, 1788.

DEAR SIR :

I have made an arrangement to forward by express the result of the Convention of New Hampshire to Springfield, in this State, from which Gen. Knox has engaged a conveyance to you at Poughkeepsie. Those who are best informed of the situation of the question, in New Hampshire, are positive that the decision will be such as we wish, and from the particular facts which

* *Works of Hamilton*, vol. i., 457.

I have heard, I can entertain no fear of a disappointment from that quarter. The accession of New Hampshire will present the subject at your Convention in a new, and indeed an extraordinary light. I think your opponents, powerful as they may be will be greatly perplexed, although they may outnumber you, and a small majority of the people of the State may be on their side, yet I cannot think they will have the hardiness to negative the question.

You may pronounce, with the utmost confidence, that the decision of our Convention has proved entirely satisfactory to our people. I have made a business of conversing with men from all parts of the State, and am completely satisfied that the Constitution is highly popular ; that its opponents are now very few, and those few hourly diminishing. Be assured that the organization of the Government (by *nine* States is considered as certain) although a subject of delicacy, is most earnestly desired, and from conversation of both yeoman and politician, I am persuaded, that the people of Massachusetts are sufficiently mature and firm to execute so far as depends on them, what shall be proper as good subjects of the new Government.

Farewell, yours, etc.,

RUFUS KING.

Pray mention to Knox that I should have written to him, had I not supposed him on his way here.

JAS. MADISON, JR., TO R. KING.

RICHMOND, June 15, 1788.

DEAR SIR :

No question has yet been taken by which real strength of parties in our Convention can be measured. There is not a majority of more than three or four on either side. Both sides claim it. I think however it rather lies as yet in favor of the Constitution. But it is so small as to justify apprehension from accidents as well as change of opinion. An unwillingness to risk a positive decision on so small a superiority of numbers may also operate on some of the cautious and moderate friends of the

Constitution. The other party evidently wish to procrastinate. They may hear from the Convention in N. York, they may work on some of the least decided friends of the constitution, they may weary out the patience of the House and prepare it for an adjournment rather than remain longer at this season from home and at a place extremely disagreeable for sundry reasons—at this time. These reasons enforced by a distrust of their number will account for the policy of delay. Previous amendments will either be tried or give place to an effort to adjourn, as circumstances may point out to the leaders of the opposition. I have been much indisposed and continue so in a degree, which scarcely allows me to co-operate in the business. This will be an apology for not being more full in my communications and will account for my unpunctuality in those already made or which may follow.

Adieu yrs. affecty.,

JAS. MADISON, JR.

N. DANE TO R. KING, BOSTON.

NEW YORK, June 15, 1788.

DEAR SIR :

I enclose to you a letter which was handed to me to forward. The principal object of attention and enquiry is the Virginia Convention. But I need not add on this subject, as I presume the enclosed letter will give you all the information of any importance relative to it, which, at present, can be obtained. The members of the convention in this state meet this week. The result of their doings I must leave to time to discover. It must be an undesirable thing even to have R. I. out of the union, much more N. Y. The opposition in the latter state appears to be (many of them at least) sensible of this : from this and other circumstances I can by no means conclude, at present, that N. Y. will not keep herself in the Union.

With the highest esteem & regard, yours, &c.,

N. DANE.

✓ CHARLES PINCKNEY TO R. KING.

CHARLESTON, June 16, 1788.

DEAR KING :

. . . I am much pleased to hear that you have *a son*—in my mind one son is worth a dozen daughters. I wish it may soon be my fate—for you have no doubt heard that I have verified my assertion *by marrying* within eight months after my return a little french girl with whom I shall probably one day or another pay a visit to New York for she has never been there : but when or how remains to be determined—as I am too much employed at present to be able to spare the time for a mere jaunt of pleasure.

You have no doubt also heard of our Convention's very handsomely adopting the Constitution. I should suppose in the course of July Congress will have it in their power to notify the ratification of nine States, direct them to proceed to their elections & fix a day for their meeting and commencing operations under the new system. I trust the States will be attentive to their Elections and that after this it will really be an honour to be a member of the Legislature. . . .

Dear sir, yours truly

CHARLES PINCKNEY.

I shall be glad to hear from you,—mention when you write the disposition of New York. We are anxious to hear from Virginia. We are to make a council in a day or two & I hope I shall be able by that to receive some favorable dispatches.

— H. KNOX TO R. KING.

NEW YORK, June 19, 1788.

Yes anxious enough I dare say. But I cannot relieve it. The post of to-day brings letters from Virginia to the 11th, nothing decisive there. Madison was sick on the 9th ; whether he was out on the 11th I do not know. I fear that overwhelming torrent, Patrick Henry. I would it were well over and the parchment lodged in the Secretary's office.

The majority of the Antis is so great at Poughkeepsie, that I ask no questions. Some person compelled me to hear that Gov.

Clinton was chosen President on Tuesday, 51 members present. My apprehension about Virginia is that they will adjourn, the Legislature being to meet on the 23d, will be the pretext. The best fruit at present from that quarter is that Mason is angry.

I am, Dear Sir, your affectionate

H. KNOX.

— J. LANGDON TO R. KING.

CONCORD, June 21, 1788.

DEAR SIR :

The State of New Hampshire have this moment adopted the Federal Constitution, 57 yeas 46 nays. I have sent on the express to Springfield to Mr. Smith to forward Col. Hamilton's letter to Poukeepsie, which I enclosed him. Excuse haste.

Believe me yours &c

JNO. LANGDON.

— CHARLES COTESWORTH PINCKNEY TO R. KING.

CHARLESTON, June 21, 1788.

DR. SR. :

. . . I acquainted you by Mr. Kean that our State had ratified the Constitution. Most of the members who opposed it have declared that they will exert themselves in its support, and some districts, that were averse to it, are altogether reconciled to its adoption. (Indeed, if we were allowed to pass Installment and Valuation Laws as heretofore, an antifederalist would be a *rara avis* in this State.) . . .

I remain with sincere regard and esteem yours truly

CHARLES COTESWORTH PINCKNEY.

— JAS. MADISON, JR., TO R. KING.

RICHMOND, June 22, 1788.

DEAR SIR :

We are at length approaching the close of our deliberations on the several parts of the Constitution. The Judiciary Department has been gone over ; though perhaps it may receive some additional disquisitions. The attack has apparently been less formidable than I had apprehended. Independently of some particular

interests, the objections against it have not been calculated in my opinion to make any deep impressions. In the eyes of many this part of the plan stands in a less vulnerable point of view than had been conceived prior to the examination of it. As soon as the remaining articles shall be despatched, some general propositions will be agitated. The opponents will bring forward a bill of rights with sundry other amendments as conditions of ratification, & in case of disappointment will probably aim at an adjournment. Some apprehend a secession ; but there are too many moderate and respectable characters on that side to admit such a supposition. It has been judged prudent, nevertheless, to maintain so exemplary a fairness on our part, (and even in some points to give way to unreasonable pretensions) as will withhold every pretext for so rash a step. On the side of the Constitution it is in contemplation to preface the ratification with a declaration of a few obvious truths which cannot affect the validity of the act, and to follow it with a recommendation of a few amendments to be pursued in the constitutional mode. This expedient is necessary to conciliate some individuals, who are in general well affected, but have certain scruples drawn from their own reflexions, or from the temper of their constituents. How the vote will stand on the final question, I dare not yet positively decide. Our calculations promise us a majority of 3 or 4, possibly of 5 or 6. Besides the many chances which may vary a result depending on so small a number, it is impossible not to recollect that in so great a number of opinions some may be mistaken. I wish you every happiness and am, Dear Sir,

Your obedient Servt.,

JAS. MADISON, JR.

If Mr. Sherman is in your neighbourhood present my best regards to him.

✓ JAMES MADISON, JR., TO R. KING.

RICHMOND, June 25, 1788.

DEAR SIR :

The final question in our Convention has just been decided in the affirmative by 89 ays 79 noes. Recommendatory amendments will attend the act of ratification, but are yet to be settled.

The business was closed with due decorum & solemnity ; and an acquiescence of the minority can not be in the least doubted. Some of the leaders as might be imagined have however a keen feeling of their disappointment.

In haste yrs. affectly.

JAS. MADISON, JR.

R. KING TO J. MADISON, JR. (Madison Papers, Washn.

BOSTON, July 20, 1788.

DEAR SIR :

I most sincerely congratulate you on the decision of your Convention and am pleased to hear from your colleague Mr. Brown that by this time you have returned to New York. I am greatly indebted to you for the frequent information of the progress of your Convention and should before now have made you my acknowledgments, had I not supposed that you was on your way to Congress, and that letters addressed to you in Virginia would pass you on your journey. New York must have finished their session and we hope the result has been favorable. But should it be otherwise, it will be generally understood and believed in this quarter, that the rejection arose from selfish and unworthy motives, the character of the Constitution will not thereby be injured, the attachment of the people will not be diminished. But the sentiments concerning New York which exist in Connecticut & New Jersey will prevail in this State & in New Hampshire. We are without any accounts or opinion concerning North Carolina. You must soon be informed of their determination ; and we hope that Congress will not long delay what they have to do towards organizing the Government.

I expect to leave this in six or eight days and promise myself the pleasure of seeing you soon after in New York.

With sincere esteem, I am affectionately yours

RUFUS KING.

CHAPTER XVIII.

Mr. King, though a Delegate from Massachusetts had lived in New York—Where the Congress sat—Massachusetts Friends urge him to reside in Cambridge—He takes Steps to buy a House—Urged to go to Boston, before the gen. Court met—Non-residence a Bar to his Selection for Office—Became a Citizen of New York—Regret of his Massachusetts Friends.

From the latter part of 1784, Mr. King had been a delegate from Massachusetts to the Congress, and in the performance of his duties as such had passed the greatest part of his time in New York, where the Congress, acting both as an executive and legislative body, remained in nearly permanent session, until it was superseded by the new government after the adoption of the Constitution. He was thus always ready to take his place, though the want of a quorum, from the negligence of the States to keep their representation full, often prevented the transaction of business. Occasional visits to Boston to communicate directly with the General Court of Massachusetts on questions under consideration, but never when the election of delegates was pending, were made; and so faithful, satisfactory, and efficient were the services rendered that he was always re-elected, and when the deputies of the Constitutional Convention were chosen, he was one of them. His agency in shaping the results in that body, of whose call he had not been an advocate, was unquestioned and salutary; and although the extent of his services there were not yet fully known, he was sent by his old friends of Newburyport to take part in the convention assembled in Massachusetts to decide upon the adoption of the Constitution. It cannot be

doubted that the efforts he made, and the arguments he brought forward in its support, were among those which were most influential in carrying the measure.

He might naturally and properly suppose and expect that in the distribution of offices under the new government, his claims to some consideration would not be forgotten, although there is no evidence that he ever presented them in any way. But he had in every way and on every occasion, as the correspondence shows, manifested a warm love for Massachusetts, and had never expressed a thought of forsaking the State. Indeed had thanked his friends for denying a charge that he intended to do so, about the time of his marriage.

His marriage had taken place two years before this time, and as his wife was the only daughter of a gentleman far advanced in age and dependent upon his daughter's care, it was suggested that he might make New York his home. Still he continued the trusted representative of his State. He had given up the practice of law and had devoted himself to a public life, for which he had a strong predilection, and had carefully prepared himself, and looked forward to the rewards of fidelity of service and conscious ability in the new government now to be established.

It is true that he had no actual residence in Massachusetts, and therefore, when his former friends, especially in Newburyport, proclaimed him an alien to the State, and in consequence an unfit representative of Massachusetts, there was some ground for the efforts made to prevent him from receiving an appointment which others craved.

We find on February 13, 1788, a short time after his return to New York from the Massachusetts Convention, that his life-long friend, Christopher Gore, wrote to him, that a house could be bought in Cambridge, and urged him to take steps to obtain it, saying: "Your friends in this quarter are very anxious to have you among them. If possible, to gratify them, especially myself, pray conclude the bargain and become again a son of Massachusetts."

Nothing further appears to have been done at this time to indicate his purpose, nor again during a visit which, as the correspondence shows, he made to Boston and its vicinity, from the 10th of May to about the 1st of August. This was an eventful period, and he was in constant correspondence with the leading members of the conventions in different States, urging the adoption of the Constitution and receiving the gratifying news of the action of the State of New Hampshire's acceptance on the 21st of June, the ninth State to adopt that instrument, and thus constitute the new government. The consideration of the circumstances under which it was to be put into operation must have been a frequent topic of conversation, but nothing definite appears until the following letters called his attention to the wishes of his friends.

C. GORE TO R. KING.

BOSTON, August 10, 1788.

MY DEAR SIR :

I sincerely congratulate you on the adoption of New York ; which was the more pleasing as it was unexpected. Your friends are very desirous of your being in the admin. of the new Govt. ; but are anxious as to your election, unless you are really an inhabitant of Massachusetts, previous to the time of electing. The federalists are solicitous that you should be actually a resident in this Commonwealth immediately. They wish for your aid & support in administering this Constitution and very publicly say—you may choose your district : but are fearful that your remaining in N. York will be urged as an objection. Unless your coming here is attended with real difficulties, I think the good of your Country too loudly demands your removal this autumn, to leave a doubt in your mind. The Candidates in this County are Jarvis, Otis, Dawes & Heath. I think Dawes the most likely to succeed ; and as far as my little influence can weigh, it will add to his scale, unless there is a probability of our having you for the Representative of Suffolk ; which I think is probable if you take your residence in Boston or the vicinity this fall. Let me pray you will consider this subject & say to me

what are your intentions and when they shall be brought to practice.

Jarvis, Hitchborn & Sullivan, it is said, are busy in attaining influence and votes for the former in serious hopes of introducing Han. into the first seat of the general Government. Whether this is the case I will not undertake to determine, but there are many circumstances which evidence a probability of such views in them. . . .

Affectionately your friend,

C. GORE.

GENL. KNOX, BOSTON, 17TH AUG.

DEAR SIR :

I was mortified on my arrival here to find that you and Mrs. King had returned to New York.

The deep impressions you have made here on the minds of men are favorable to any political employment within the power of this State. But I learn with chagrin that some persons, whose views may be intercepted by your continuance here, have been but too successful in disseminating the idea that your apparent intentions of making this State your future residence were entirely delusive and calculated only for particular purposes.

You are too well acquainted with human nature to suffer this information to have any injurious effect on your mind. My object and earnest desire is that you take the earliest measures to counteract the poison. You will be the best judge how this is to be effected.

Mr. Gorham's opinion & my own concur that you should instantly demonstrate your intentions either by purchasing or hiring a house in country or town. Mr. Gorham particularly wishes that it might be Lane's in Cambridge. In any event of your determination, I am persuaded that you will receive this letter with that cordial friendship with which it is written. No person knows that I write but Mr. Gorham.

I neither expect or wish you to reply, as I shall set out for Penobscot in a day or two and shall be absent a month.

With respects to Mrs. King, I am, my dear Sir,

You sincere & affectionate,

H. KNOX.

C. GORE TO R. KING.

BOSTON, August 30, 1788.

MY DEAR SIR :

I did not receive your last favor till some posts after it was due owing to my absence from town. The subject of it is really interesting to me—and I have endeavored to see and converse with Mr. Gorham on the contents : but he is gone to the Westward on his land purchase. Before the receipt of your letter we did consult on the propriety of your taking some decisive steps which shou'd evidence to the citizens of Massachusetts that you were really an inhabitant of this State. He was then fully of opinion that it was not only proper, but absolutely necessary to the attainment of our wishes—And, I assure you, my friend, the more information I attain, & the oftener I reflect on the subject, the more I am convinced of the necessity that you should fix your domicile in this Commonwealth,—the sooner the better.

Parties begin to run high ; it is said the Govr. aims at the Presidency & disdains a second seat. How far this is true you can determine as well as myself. It is said, and I believe with truth that Mr. Adams is desirous of being V. President. The candidates for Senators are Bowdoin, Strong, Sedgwick, Otis & yourself and Sam Adams. The two first, I presume, would not willingly accede to the choice. Otis & Adams are not likely to be successful. Clearing up the question of inhabitan-
tancy, I think the friends of the Constitution and those who wish it to be administered with dignity wou'd be anxious to give you a decided choice and that their wishes would be completely gratified.

Lowell declines going for this district and I really believe Dawes the most likely candidate ; but this is judging of what appears at present, & these appearances may greatly alter in future. . . .

Your friend,

C. GORE.

Endorsed by R. King : " Ans. 6. Sep. and requested him to purchase for me Cushing's house at 5000 dollars."

In accordance with the instructions of Mr. K's letter of the 6th of September, Mr. Gore writes to him that he had made inquiries about the house, stating that it could be bought and that the agent desired he should become the owner of it; closing the letter thus:

"Where will the first Congress meet?*" Hancock and his friends really expect that he will be President."

On Sept. 25th, Mr. Gore says, after speaking of the negotiation about the property:

"I hope my conduct will meet your approbation. If not too inconvenient, I should wish you to be here speedily—it is probable this and other matters might be accommodated to your satisfaction."

Questions arose as to the title of the property and as to the time of getting possession of it, for Mr. Cushing, the occupant was unwilling, and refused, to move out except for a considerable sum of money. Mr. Gore wrote, Oct. 12th:

"The house of John Cushing will be conveyed to me the morrow by Deacon Davis. Mr. Cushing must move out, as he is engaged to go to Somersworth in New Hampshire. I offered him £70 to move out quietly and he and his wife to quit claim to you all their right and title. He thinks you would do more for him and though the man has not the least title now to the estate, he talks as one who had compleat controul.

"I am to pay Davis within three weeks, and before that time you will certainly be here. The Gen. Court sits the 29th of this month, and I must pray you wou'd make one of my family immediately. The sooner the better, and certainly before the coming together of the Genl. Court. I am sure all your friends agree in the necessity of your coming to this town. . . .

"Sincerely your friend

"C. GORE.

* After two months from the beginning of July when Congress was informed of the adoption by the ninth state, it was decided that Congress should meet in New York.

— C. GORE TO R. KING.

Oct. 4th, '88.

MY DEAR FRIEND :

The appointment to the attorneyship of this district is that mark of distinction which gratifies me. I sincerely feel the part you have taken in this business, and your congratulations on the nomination as fresh instances of your friendship. Mr. Jackson's appointment is very pleasing to a numerous class of respectable citizens in this State, and I hope will in some measure lessen the mortification his friend Lowell feels for himself.

When I have the pleasure to meet you, I will mention to you some anecdotes of your quondam preceptor (Theophilus Parsons) indicative of his wishes for the bench, the meanness of his attempts to attain the situation, and the weakness of his own cunning. But these are too descriptive of the man to appear on paper. . . .

Your friend,
C. GORE.

— C. GORE TO R. KING.

BOSTON, Nov. 23d, 1788.

MY DEAR SIR :

On Friday the House chose two Senators Mr. Strong and Mr. Jarvis. The Senate concurr'd the former & negativ'd the latter, sending to the house Lowell—the house negativ'd Lowell & returned Jarvis, Senate non-concurred Jarvis & returned Orne. The house again put up Jarvis—Senate non-concurred & sent down Dalton. The house chose Dane by a majority of one ; and thus the matter rests. Whether the Senate will agree to Dane or adhere to their own vote is uncertain.

The monstrous lies told by your Essex friends pervaded every quarter of the house and the envy of these people had much greater weight than I could have suppos'd. My dear friend, I must pray you not to suffer these things to estrange you from

Massachusetts : unless very interesting objects render your residence in New York necessary, think seriously of returning to the State of your nativity. Sedgwick is sore as man can be ; he feels & acknowledges to me the error of his conduct. . . .

Most sincerely your friend

C. GORE.

C. GORE TO R. KING.

Nov. 26, 1788.

MY DEAR FRIEND :

In my last I inform'd you that the Senate had sent to the house Mr. Dalton as Senator—that the House non-concurr'd and sent up Dane. On Monday morning, notwithstanding the influence of Phillips, who exerted himself most warmly for D., the Senate non-concurr'd and repeated Dalton, and with much trouble owing mostly to the Essex members, we carried Dalton, who is now the Senator. Soon after your departure, I was convinced that my wishes could not be gratified. The various falsehoods industriously propagated, and appositely turn'd to the prejudices of those to whom they were applied, so powerfully operated, as to leave nothing but defeat in the hazard—deeply mortified are the partizans of P. and his coadjutors. Dane was exalted as one, who, through ev'ry opposition of proffered favors, on the one side, & cruel persecution on the other, perseveringly pursued the defaulters of public money & the domineering aristocrats of our dear country—as a friend to the Constitution, supported by the uniform of Genl. Knox and other firm federalists—and a letter from Mr. Dane indicative of these sentiments was shown to those who wished well to the Constitution. But these things did not prevail. Among other things whispered against one of the candidates was added that Mr. Dane would have succeeded in his wish of appointing Mr. Jackson a commissioner for settling the Continental accounts, had it not been for the influence of that gentleman in the election in Congress. This I knew not, till after the choice. I enquired of Mr. Otis whether this was in any degree founded. He replied, that my mentioning it was the first insinuation of the kind he ever heard and that he believed no influence could have secur'd this gentleman the place of commissioner.

Lowell, Dawes & Otis are the predominating candidates for this district. I think the choice of one of the first two is most likely, and the middle man the most probable—tho' great exertions will be made for all. I say nothing about your future residence—of this you alone can determine the propriety. Every thing that envy can suggest will be brought forward to detract from your reputation in this country ; and if you should conclude to remain in N. York, it will be urged as an argument of duplicity on your part. But I wish you, my friend, not to be influenced by any conduct of mine in the late politics, to elect this as the place of your residence. I say this much because I know it will be urged on you as an argument for removing from N. York. My conduct and reputation cannot suffer from any insinuations of such vile partizans as oppose you—while I am present, and I earnestly desire that you would suffer such arguments to have no force on your mind, in opposition to your true interests as they shall be impartially weighed by yourself.

Adieu, sincerely your friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, December 14, 1788.

MY DEAR FRIEND :

. . . Tomorrow I go to Salem . . . probably I shall there see Mr. Jackson, and shall feel peculiar pleasure in stating to him part of your letter. Whether this story was immediately the fabrication of Parsons, or Dane I cannot tell ; but Parsons told it to Mr. Dalton as a truth. I never had a doubt of its falsehood. The *knowing ones* of Essex are the people that support Dane ; before the adjournment of the Genl. Court they had a meeting and agreed to give their influence in favor of De.

Suffolk will, as you suggest, be much divided. Adams, Otis, Ames & Heath & James Bowdoin jr will probably be voted for ; and it is probable that at the first meeting no choice will be made ; tho' many fear that S. Adams will be elected. A week hence we shall know more of this matter ; at present we are in a very sorry condition. . . .

I am most affectionately your friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, Decr. 21, 1788.

MY DEAR FRIEND :

. . . The election in Suffolk is clearly for Ames. Adams has been distanced even in Boston. In the country he had very few votes. The people of the County and I believe I may say with perfect truth, those who voted for Ames in this town to a man had determined to vote for Mr. K., till the warrant for summoning the inhabitants to vote for a representative had issued. When it appeared that the selectmen, adopting the unconstitutional restriction of the resolve of the Genl. Court, directed the vote to be given for a man who was an inhabitant of the County of Suffolk. This very explicit restriction operated so powerfully on the timid & uninform'd, who were too indolent to read the Constitution for themselves, or, if informed, were afraid that an opposition to the resolve would be injurious, joined to a much larger number, who were afraid that non-residence in one candidate would throw many votes in favor of another, who was abhorred for his antifederalism, obliged the Feds to relinquish their candidate and run for Ames, who is strictly federal, an honorable man & in the estimation of his friends wants nothing but age and experience to render him a very able supporter of his country's rights. I ought to say in justice to Ames that he was very desirous that Mr. K. should be elected in preference to himself ; and to this purpose did use all his influence till he was convinc'd that it would not avail. Mr. Otis very cheerfully offered to give up his pretensions if the election of Mr. K. cou'd thereby be secured.

In Essex there is no probability of an election—Jackson has all the votes in Marblehead 99—77 in Beverly—Dane 30. Goodhue 198 in Salem, Jackson 8, Dane 1. I have not heard from Newburyport or Haverhill. Andover gave all for Dane. The wise men of Essex are at variance ; they say every thing bad of P., impute to him corrupt motives and deceitful conduct. At Dalton's senatorial honors, they are mortified beyond measure. In Middlesex no election—probably Groset is the member for Worcester, farewell . . .

Sincerely your friend

C. GORE.

The letter of Mr. Gore, of November 26th, alludes to a visit of Mr. King to Boston in October or November, in which he must have learned many circumstances as to the probabilities of his being selected for any of the leading offices of the new government. It may be certainly assumed that the visit was not to put himself forward as a candidate, as he never, in his long public career, solicited an appointment. But he must have learned the strong opposition made against him by others, his old friends, and returned to New York without having bought a house or established a residence. It was not long before he received the intelligence that the offices were all filled and that he was left out. From these letters we clearly discern that the facts of his marriage in New York, of the increasing years of Mr. Alsop, requiring the care of his daughter, and his long absence, as a resident, from Massachusetts, giving some ground for the charge that he had forsaken the State, and for even former friends, with ambitious views of their own, to plot against him, were the leading reasons for Mr. King's abandonment of Massachusetts, and making his future home in New York. To these may be added still another reason, the urgency of the friends in New York to whom he had become attached, and who were earnest in their endeavours to retain him among them, by holding out to him offers of promotion which had been withheld in his native State and which he felt was his due, for the devotion to the public business and the consciousness of his own powers. There is nowhere any specific statement among his papers other than has been presented, there being no mention of the fact except in the following letters to Mr. Gore, and one, June 7, 1789, to Dr. Southgate.

C. GORE TO R. KING.

BOSTON, January 29, 1789.

MY DEAR FRIEND :

I have seen & convers'd with Mr. Jackson on the subject of Parsons' communication to Mr. Dalton. Mr. Jackson begs me to

assure you that he has not the least reason to believe this assertion of P. to be true—that he has now and always had the greatest confidence in your honor and friendship—and that it is not in the power of P. in the smallest degree to shake that confidence.

Mr. Sedgwick, of whom I ask'd the reason of why he shou'd express himself in the manner he did respecting your being in this town, declares, that he said what passd on this subject to Gen. Knox as a mutual friend, who might communicate to you, not his sentiments, but the opinion of illiberal men ; and that he had frequently endeavor'd to say the same thing to you personally, but cou'd not bring his mind to state such uncandid observations to a friend for whom he entertained so high a respect—and this he desires me to communicate to you. . . . Your friend

C. GORE.

C. GORE TO R. KING.

BOSTON, March 1, 1789.

MY DEAR FRIEND :

. . . I sincerely regret that such circumstances arose as to exclude Mass. from your able support in the admin. of this Government. Tho' out of the Legislature I hope you will not be a private citizen. That many considerations shou'd lead you to prefer residing in New York, while that city is the seat of national Government, I can conceive I shou'd be personally gratified in a high degree to have Boston the place of your residence. I have always doubted whether this cou'd be for your interest unless you were in the Government from this State. If you should go abroad, I shall be very solicitous to pass a few weeks with you before you go. . . . Affectionately your friend

C. GORE.

C. GORE TO R. KING.

BOSTON, March 22, 1789.

MY DEAR FRIEND :

I am sorry that such circumstances did not exist as to render that place the most eligible to you, which the fates have allotted for my residence. While I wish this had been the case, I feel that every man ought in such a choice to be guided by reasons and circumstances, of which he alone is the proper judge. . . .

C. G.

C. GORE TO R. KING.

BOSTON, April 5, 1789.

. . . As a citizen of Massachusetts, I do sincerely regret your determination of being an inhabitant of New York—while as a friend to your interests I do as sincerely rejoice at your determination. . . .

Your sincere friend,

C. GORE.

R. KING TO DR. SOUTHGATE.

NEW YORK, 7 June, 1789.

Contrary to my former intentions I have become an inhabitant of this State & have no expectation of again returning to live in Massachusetts. Altho' the motives of this Determination are important and weighty as they respect my interest & that of my little family, I however sincerely regret that I am to be so far separated from my Relations and friends whose real prosperity & happiness must be forever dear to me.

My eldest son whom we call *John Alsop*, is more than seventeen months old, and begins by his little prattle to be very amusing. Our youngest we intend to name Charles; he is three months old & has at this time the smallpox. They are both healthy and if we do not judge too partially, they are promising boys. Mrs. King & Mr. Alsop are both in good health, and although I do not use as much exercise as I should, I never enjoyed higher health. My first son you perceive is named for his Grandfather: the second is mere fancy. I had some thoughts of calling him Richard, but Charles being a favorite name, I preferred it.

R. K.

CHAPTER XIX.

Ratification of the new Constitution by New York—Stipulating for Amendments—Election of U. S. Senators under it—Philip Schuyler and Rufus King—The latter draws the long Term—R. King Memorandum, Conversation with Gov. Clinton—Fenno's Newspaper—Madison on Virginia Convention—C. Pinckney and Choice of Senators in S. Carolina—Mr. Gore's on Elections in Massachusetts, on Ship-building, Timber, etc.,—Hamilton, Gore, Wetmore on R. King's Election as Senator—Gore Appointments in Massachusetts—And Provision by Congress for Payment of the domestic Debt—Funding it suggested.

The ratification of the new Federal Constitution by the State of New York had been adopted, after earnest debate and the serious opposition of Governor Clinton and his followers, but on an implied condition that at the earliest moment certain amendments should be proposed to be made. Indeed in a circular-letter * from the Convention of the State of New York to the Governors of the different States, Governor Clinton says "that nothing but the fullest confidence of obtaining a revision of them by a general convention, and an invincible reluctance to separating from our sister States, could have prevailed upon a sufficient number to ratify it, without stipulating for previous amendments." And they ask for a convention to be held at some future day. Though entertained by some the proposition fell through, and the Constitution having been finally adopted by more than the required number of States, the Governor summoned a meeting of the Legislature to choose officers to put the new Constitution into operation. The result of the election gave a majority in the Senate to the Federalists,

* Jay's *Corresp.*, vol. iii., p. 353, N. Y., 1893.

who were earnest supporters of the new Constitution, while the Assembly was Anti-Federal, or composed of those who had supported Governor Clinton in his opposition.

In consequence of this, though the State was districted, for the election of members to the House of Representatives, and members to the first Congress were chosen, there was a radical disagreement as to the mode of electing Senators and electors; the Senate claiming that they should be chosen by a concurrent vote, which would have given the federalists at least one Senator, and the House demanding that the choice should be made by joint ballot, which would have resulted in the choice of Anti-Federalists. The Legislature adjourned without coming to a decision, and New York was not represented in the first electoral college, or in the early period of the first Senate.

To put an end to this unfortunate position, Governor Clinton in the spring of 1789 called a special meeting of the Legislature for the 6th of July, for which an election was held, which resulted in giving a majority in both Houses to the Federalists. Among others chosen to the Assembly from the city of New York was Mr. King, who by his recent decision to become a resident of New York had become eligible as a member. His federal friends placed him in nomination, and he received a vote as large as that given to the other federal candidates, native residents of the city.*

Mr. King took his seat when the Assembly met, and as an evidence of the judgment in which he was held, was placed upon two important committees: one with Messrs. Watts, chairman, and Lewis, to collect and digest the rules of the House; and the other, on the 14th, as one of the commissioners of the House and Senate, with full powers to declare the consent of the Legislature, to the erection of a certain territory within its jurisdiction into a State—viz. Vermont.

* The *N. Y. Democrat and Weekly Register*, June 4, announces the election of R. King by 1173 votes, with Messrs. G. Verplanck and R. Watts, who received each 1176.

In consequence of his transfer to the United States Senate a few days afterwards, he did not act on either of these committees.

As will be seen by the extract from the *Democrat*, Messrs. Schuyler and King were chosen, after several ballots as to the latter,* first Senators from the State of New York, in the Senate of the United States, and, as announced by the *Democrat* of the 23d of July, Mr. King arrived that afternoon from Albany to take his seat, and, in that paper of the 30th, it was announced: "On Saturday last, the Hon. Rufus King, Esq., and on Monday, Hon. Philip Schuyler took their seats in the Congress of the United States as Senators from the district of New York, and on Tuesday on balloting for their class in the Senate, Mr. King drew the class which is to continue six years, and Mr. Schuyler that of two."

In connection with this election, the following paper in the handwriting of Mr. King will be found an interesting document:

* The detail of the election is thus recorded in the *Democrat*, July 23, 1789:

"July 10, 1789. The Bill for appointing Senators from N. York to the 1st Congress of the U. S. passed the assembly and Philip Schuyler and James Duane were nominated.

"July 14, 1789. Mr. Sill nominated Philip Schuyler for U. S. Senator.—Mr. Schoonmaker nominated Rufus King. Mr. Schuyler was nominated 37 to 19. Mr. Seeman nominated James Duane.—Mr. Smith amended and nominated Rufus King, and Mr. Jones, Ezra L'Hommedieu.—Mr. Schoonmaker moved that Lewis Morris be inserted. The last was rejected. Mr. L'Hommedieu was rejected 36 to 20 for him—Mr. King was rejected 34 to 21 for him and James Duane was nominated 34 to 19.

"July 15, 1789. In Senate. James Duane was rejected 10 to 9. P. Schuyler was elected 13 to 9. Mr. L'Hommedieu was nominated and Rufus King by Mr. Livingston. The latter was rejected 6 to 12, and L'Hommedieu chosen 11 to 7.

"July 16, 1789. The Senate sent a message to the House that Duane was rejected and L'Hommedieu was chosen. The House on motion of J. Smith refused to concur 43 to 24. Rufus King was then nominated & by amendment, Lewis Morris, latter rejected 34 to 12. The question of the nomination of Mr. King was then put and carried unanimously. On the same day in the Senate, on the question of concurring in the resolution of the assembly, it was agreed to, Mr. King being elected by 12 against 8."

" N. YORK, 12 June, 1789.

"Gov. Clinton called on me yesterday. The servant denied me and he left his compliments. To-day I called on him. After observing that he had called on me once or twice, and to avoid ceremony had not left a card, he remarked that he should have called the Legislature to meet on the first of July, but was apprehensive that the week might be lost from the celebration of the 4th of July ; that he did not think that the Legislature wd. have occasion to be together more than one week, as their only business wd. be the choice of Senators. He remarked that the controversy of last winter on the part of the Feds. was probably grounded on a desire for particular men for the office—on the other hand he suggested the idea of the Antis. having conscientious scruples concerning the manner of the Choice, and that they were not united in their men, could they have even regulated the manner of Choice ; that Mr. Lansing wd. not have served, and that Melancton Smith had disgusted many of the Antifeds. by acceding to the Ratification of the Constitution ; that therefore his Choice wd. have been difficult.

"The Govr. asked who were spoken of as candidates. I observed that I had never conversed with any Member of Assembly on the Subject, and knew nothing more than the loose conversation of unimportant politicians ; that I had heard the names of Genl. Schuyler, Judge Gates, Mr. Lansing, Mr. Duane, Judge Morris and the Chancellor mentioned, but I knew nothing of the private opinion of influential men. The Govr. observed that Mr. Lansing wd. not serve if elected, that his prospects were good in his profession, and that he owed it to a numerous young family not to go into public life ; that he thought it an important question whether any Gentleman in the State Judiciary ought to take a share in the national Legislation ; that this might be confounding the judiciary and legislative Departments ; besides that it had uniformly been his Opinion that the Offices of Great power shd. not all be centered in a certain party or family association ; that their abilities and Wealth already gave them great influence, and that the addition of great Offices to the entire exclusion of other Characters might endanger the public Liberty ; that he was desirous that they shd. be allowed their reasonable share, accord-

ing to their abilities, and that he wd. pay a proper consideration to their property ; but that such Allowance shd. be a distinct thing from a monopoly of the public Offices. He observed that Mr. Duane had considered it as his right to be appointed a Senator ; but that it was not a right of any man. Mr. Duane had said in some conference as to the manner of Choice, ' that he wd. not give up *his* right.' A member criticising the expression, Mr. D. observed that he meant his right as a Member of the Senate, which Body ought to have a negative in the Choice. The Govr. added that some persons had thought that there shd. be a mercantile character in the Senate, but that it was difficult to find one, in all points suitable ; that he had heard my name mentioned, but that I was not a mercantile man. I here observed that it had been mentioned to me, but not by any member of the assembly. Besides that I was but lately an Inhabitant of the State, that many of the old and very respectable Citizens would claim it as their right, and that I had no Disposition to enter into any Controversy on the subject.

" The Govr. observed that the novelty of my Inhabitancy could be no objection, that I was a Member of the Assembly, and that he had ever considered that appointment as sufficient authority for him to appoint any person to an Office for which he might in his judgment appear capable ; that as to the Expectations of any Gentleman that they had a right to the Office, &c, he repeated his former Observations with this addition, that formerly there were two great Families or Parties, namely Delancys and Livingstons ; that from their Opposition they kept so constant a watch on each other, that neither dared any measure injurious to the mass of the people ; that the case was now different, the Delancy party was extinct by the Revolution, and all the great and opulent families were united in one Confederacy ; that his Politicks were to keep a constant eye to the measures of this Combination, and he thought the People shd. be on their Guard against their active Efforts. He observed that he had not heard my name mentioned by any of the Members of the City, but by some Gentlemen from the Country. He added that he thought there shd. be an understanding among the Members of Assembly previous to the Meeting as to the individuals of their Choice.

" Concerning the removal of the Legislature to this City, he ob-

served that it had been forced from this place by the indiscretion of the city members ; that the Country members were men of sound Judgment, but not used to public speaking ; that they were ridiculed and their speeches improperly taken and published by Childs ; that a remonstrance presented to the Legislature at a certain time, he believed it concerned the emission of the paper Money, had placed in a ridiculous view some part of a Speech of a Mr. Taylor a member from Albany, that from that moment he foresaw that Taylor wd. attempt, and succeed in it, to remove the Legislature to Albany ; that if the City Members had been prudent and wd. have gratified the Country Members with meeting sometimes for a short session (for example) at Poughkeepsie or Esopus, they never would have thought of a removal."

Endorsed : "Subject of a Conversation with Gov. Clinton, 12 June, 1789."

C. GORE TO RUFUS KING.

BOSTON, 18 January, 1789.

MY DEAR SIR :

This will be handed you by my friend Mr. John Fenno, who has conceiv'd a plan, of publishing a newspaper in the city of New York, or in such a place as Congress may reside, for the purpose of disseminating favorable sentiments of the federal constitution, and its administration.—His literary accomplishments are very handsome, and from long acquaintance, I am confident his honour & fidelity are unquestionable. His talents, as the editor of a public paper, are unrivall'd in this Commonwealth—and the cause of truth, and federalism are much indebted to his pen for the various and honourable supports, they have receiv'd from the Centinel. The particular and definite objects of his plan, as well as the manner of prosecuting it, he will do himself the honor to lay before you—from his capacity in this character, and his assiduity in business, he is in hopes of obtaining the patronage of Congress, and rendering himself worthy of confidence in the printing of their journals, and official papers—If, in either of these objects you can promote his designs, you will aid a sensi-

ble & deserving man ; who, in my opinion, is capable of performing essential service in the cause of federalism & good government and you will greatly oblige

Your affectionate friend,

C. GORE.

JAMES MADISON TO R. KING.

N. YORK, Jan'y. 23d, $\frac{1}{2}$ after 8 o'clock.

DEAR SIR :

I have this instant recd. your favr. of the 16th, and have but a few moments to thank you for it. I have also just recd. a letter from Genl. Washington. It contains nothing very material or new. The Genl. thinks that although there is an uncertainty in the case, the final decision will prove that a large majority in Virga. are in favor of the Constitution. If nine States should precede it seems now to be admitted on all hands that Virga. will accede. Every post confirms the opinion that the Constn. is regaining its lost ground. It is impossible to express how much depends upon the result of the deliberations of your Body. The arrival of the French Minister here must have got to Boston through the Gazettes. He has been too long on the way to add much to former intelligence. It seems still possible that war may take place, though the embers are stifled for the moment. A Congs. was made for the first time on Monday, & Mr. C. Griffin has been placed in the chair.

Adieu Yours sincerely,

Js. MADISON, JR.

CHARLES PINCKNEY TO RUFUS KING.

CHARLESTON, January 26, 1789.

DEAR KING :

I am much obliged to you for your friendly letter which received some days since & for the information it contains respecting our new federal system, a system you well know I am much attached to—not so much I trust from that fondness which men sometimes feel for a performance in which they have been concerned, as from a conviction of its intrinsic worth & that is now almost our only refuge.

I am flattered by your wish that I might be one of the Senators of this State in Congress.—And I should in all probability have been one, had not considerations of a private nature prevented me from becoming a candidate. These were the advanced age & infirmities of Mr. Laurens & my mother,—the latter of whom was extremely averse to my leaving Carolina for two or three years—and a purchase I had made in the city which I wished to complete. . . . Indeed the considerations I have stated, appeared when combined to be so forcible that I yielded without hesitation to the propriety of remaining some time longer at home—this being once determined, my two partial friends requested me to say that if I was elected, I would accept the appointment of Governor as successor to my kinsman. I agreed to this & being very generally elected—on Monday last, I was qualified.—

Our Senators were on Thursday chosen—they are Pierce Butler & Ralph Izard Esquire—both strong federalists, & will I trust do credit to their appointment.—Our members are for the other Branch. William Smith and Daniel Huger Esquire, federalists. Burke & Thomas Sumpter Esquire who opposed the constitution, & Doctor Tucker who is with you & whose sentiments I am unacquainted with.

You know I always preferred the election by the legislature, to that of the people, & I will now venture to pronounce that the mode which you & Madison & some others so thoroughly contended for & ultimately carried is the greatest blot in the constitution—of this however more hereafter.

I take it for granted you will be in the federal legislature. If your state knows her interest, & she is not in general blind to it, I am sure you will be there.—My present office requires my more particular attention to political inquiries than any other & as our State, if not now the first in Exports stands high in the commercial line, it will become me to be very punctual & exact in receiving the earliest information of what may be done upon this subject by Congress. Be therefore liberal in your favours & write me often and fully. . . . Believe me with friendship & sincere regard

Yours Truly,

CHARLES PINCKNEY.

C. GORE TO R. KING.

BOSTON, March 27, 1789.

MY DEAR FRIEND :

. . . I am perfectly in opinion with you that the disclosure of anything relative to Mr. H's (Hancock) conduct during the convention is unjust, ungenerous, & highly impolitick. I know not the author of those writings signed Saco—tho' I believe they flow from a source the streams of which will ever be fetid and corrupt. . . . Dana thinks the Sup. Jud. Crts. of the several States ought to be the federal district courts. But this might introduce too great jarring of interests in the same judiciary. . . .

Sincerely your friend

C. GORE.

C. GORE TO R. KING.

BOSTON, April 25, 1789.

. . . The Boston votes for Senators has deeply mortified the friends of Government. If this town shou'd be equally wild in her choice of representatives, the antifeds. will be warm, & I fear, successful in their exertions to embarrass the Genl. Government. I wish our friend Thatcher would talk with more discretion on some topics, they are important in the minds of many worthy men—and I shou'd suppose such conduct might lessen his influence in the Government—at least I do not see any good consequence that can flow from running against the prejudice of any religious sect.

It is said Congress are laying very heavy duties on hemp and cordage.—As an individual I fear whether heavy duties on such articles will not injure our shipbuilding, fishery, and carrying trade. I have not the means or ability clearly to decide how far these duties ought to be carried ; but I think it obvious that the duty may be so high as to injure our marine ; and this is too important an object to be hastily passed over. I have written to Ames on the subject, not that I think I cou'd throw any great light on the business, but lead his attention to an accurate weight of the advantages on both sides. . . .

Adieu, I am sincerely yours

C. GORE.

C. GORE TO R. KING.

BOSTON, April 29, 1789.

MY DEAR FRIEND :

. . . Our shipwrights are very anxious that Congress shou'd promote their business—and indeed so many people are maintained by this branch of manufacture, and it is so important to the union, that too much exertion cannot be made to give it success. The exportation of ship timber is increasing, while the trees that afford it are diminishing—and no new groves are planted or sources of this valuable article opening to our view.

The attention of Congress to this article of exports and recommendation to the several State Legislatures to promote the planting of the acorn, may be attended with very happy consequences to future generations, and the honourable increase of our marine. If I am right in these ideas, you can judge,—and I am sure will promote them.

Farewell, sincerely and affectionately your friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, June 7, 1789.

Our elections are settled & generally to my satisfaction. That Mr. Hancock is chief Magistrate will at least tend to the peace of Massachusetts, as much as though his rival has been successful. Mr. Adams has always been for the support of the government, in the administration of which he has borne sway. That he shou'd receive honor and rewards, at the latter day of a life, spent in the service of his country, ought not to displease any one. Our good friend Genl. Lincoln appears to enjoy good health and spirits—which I presume are heightened by the prospect of some permanent support from the General Government. Our Senate is federal to an high degree ; not more than eight bad can be counted—these can in no instance be a majority—therefore evil may be prevented. The house has hitherto shewn no disposition to interfere with the fed. govt. A motion was made to raise a committee for the purpose

of considering the expediency of an application to Congress on the subject of amendments. I requested the mover to withdraw his motion, as it was contrary to the sense of the people that a convention shou'd be called & this was the only mode in whh. the Legislature cou'd interfere—and Congress had already assigned a time for the consideration of this subject. He refus'd to withdraw, as the object of his motion was only to consider the expediency of adopting some measure. On which I made some good-natured observations, & assured myself that the House had too much regard for the time and money of their constituents to spend either so wantonly, as considering such questions. The gentn. who seconded, withdrew his support and no other appeared to promote the idea, & it died. This I considered as a favorable symptom & conclusive evidence that no plan has yet been agreed on to oppose the govt. We shall adjourn probably the latter end of this week. Till the intention of Congress is known relative to the assumption of funds, the State cannot, with propriety, make any arrangement for the payment of their debts. If the national government cou'd assume the different state debts, the consequence, I shou'd presume would be greatly beneficial to America. But if attempted, this must be done speedily—that it will tend to a consolidation of the union will presently be foreseen & therefore objected to by State demagogues. If slowness of progress is evidence of wisdom Congress certainly must be pronounc'd a wise body, & the revenue system will be perfect. The people of this State have been expecting the operation of this system ev'ry post; I hope it will not be long before it commences, & that no period to its duration will be inserted in the act; and I do likewise hope that it will be appropriated to the payment of foreign & domestic debt. In some degree, I think, our national character at stake in this business, and that the earliest opportunity ought to be embrac'd of evincing to the world an honest disposition—a different conduct will be readily followed by the several States.

I am happy to find that you are in the Legislature of New York and hope soon to hear of your being in the national govt. When do you go? & how long do you stay in Albany? . . .

Most truly your friend

C. GORE.

A. HAMILTON TO R. KING.*

ALBANY, July 15, 1789.

MY DEAR SIR :

I received your letter by the last Post but one. I immediately set about circulating an idea, that it would be injurious to the city to have Duane elected, as the probability was some very unfit character would be his successor. My object was to have this sentiment communicated to our members. But a stop was put to my measures by a letter received from Burr, announcing that at a general meeting of the Federalists of both houses Schuyler and Duane had been determined upon in a manner that precluded future attempts.

I find however by a letter from General Schuyler received this day that L'Hommedieu and Morris may spoil all. Troupe tells me that L'Hommedieu is opposed to you. He made our Friend Benson believe that he would even relinquish himself for you. What does all this mean?

Certain matters here, about which we have so often talked, remain in statu quo.

Yrs. sincerely,

A. HAMILTON.

C. GORE TO R. KING.

BOSTON, July 25, 1789.

MY DEAR FRIEND :

. . . *Albany* (in Fenno's gazette) attracted my notice, but having before read in our papers that Genl. Schuyler and Mr. Duane were chosen Senators, I read that sketch as I generally do advertisements ; till I met with a paragraph announcing the appointment of Rufus King, a Senator for the State of New York. To you who know my wish for the best adminn. of the federal government and that those who are most capable from their abilities & inclination shou'd administer it, I need not express the pleasure I receiv'd. It was unalloy'd—it afforded me all the delight that any public event cou'd produce in my mind. . . .

Mr. Dalton writes, that Congress is anxious for a recess before

* Endorsed : " Returned from Albany, 19th July, 1789.—R. G. LANSING."

any mode is adopted for payment of the interest or principal of the domestic debt. The adoption of some plan for this purpose wou'd be very favorable to many of the most influential men of this Commonwealth, and engage them most warmly to promote the operations of this government. If they are left unprotected & unprovided for, their exertions, to say the least, will be lukewarm.

The present time seems, in the opinion of the wisest and best men, in this town, to be the most fortunate for adopting and assuming to the Genl. Government the excise. We now feel none of the evils of Government or its demands, & setting aside the payment of our State debts, we do not (feel) the want of but a very small portion of this fund.

But, from the operations of this government, we sh'd feel sufficient evils to induce those who wish to gain popular favor, to clamour against what in future will be called a new assumption; and, to say the least, there is hazard that such clamour may be more efficacious than it wou'd be at the present time—if any objection is made—and of this I do not doubt. . . .

Affectionately your friend,

C. GORE.

—
/ W. WETMORE TO R. KING.

BOSTON, July 29, 1789.

DEAR SIR :

Need I make any apology for this letter to you upon a subject whh. nearly concerns ye reputation & interest of your friend, or need I, like Govrs. Barnard and Hutchinson introduce it with the terms *secret and confidential* ? I think considering the friendship subsisting between us that neither of these can be necessary; therefore to the point. Certain gentn. whom I have ever ranked in ye list of your and my friends, have been so partial to one whom you well know, as to hold him up among ye candidates for the place of district Judge for Massts. They say & I believe they really think him to be a man of some industry, not remarkably deficient in law or other knowledge, not known to be dishonest & of undoubted resolution & government principles. Now if you shd. fortunately entertain the same opinion of him and think him

as well qualified in other respects, as some candidates for that appointment, he would request from you, such an attention to his interest as an unbiassed conscience & judgment can with propriety render. How far some of his other friends, on account perhaps of prior engagements, and how far Genl. Knox, on account of a family lawsuit will be disposed to forward his interests is problematical ; for tho' the Genl. knew the character referred to very early, & tho' he is one of the best tempered men in ye world, he may be, as good men often are, in such circumstances prejudiced against him.

Can we now safely congratulate you on your appointment to the Senatorship ? I was at Portland when the paper arrived with ye names of Schuyler and Duane. Then came the resolve appointing Schuyler & Coriolanus, and who, says the *Egotist*, can Coriolanus be ? Do you not know Rufus Coriolanus ? It cannot be him—they would never appoint him ; but they have done it already—it is impossible ; But when a thing takes place, it is no longer impossible. It is mere newspaper intelligence—but it is Fenno's paper. I am not satisfied with the account ; Ay, that we all know. How many faces have gathered blackness. In this event ! what chagrin ! what mortification ! what disappointment ! I wish you were here & at N. (ewburyport) for a moment to see with your own eyes. Your friends rejoice that N. Y. has done you that Justice, which the people here were ready to offer but were prevented by the vile & secret, but successful, artifices of three or four vipers. But enough upon this subject & I will only add at present that your good fortune cannot afford more real pleasure to any man than to your faithful friend and most obedient

W. WETMORE.

/ C. GORE TO R. KING.

BOSTON, August 6, 1789.

MY DEAR SIR :

The appointments to the Judicial seats will soon be made. We flatter ourselves in Massachusetts that one of the Supreme Court will be taken from this State. The general expectation is, that our friend Lowell will be appointed an associate judge ; and no

doubt was ever entertain'd of this event, till we heard that our Chief Justice was in nomination. Shou'd the Chief Justice be appointed, we shall lose an excellent man, whose talents are peculiarly fitted for the place he fills, without rendering any great service to the United States ; and a very good man will be extremely mortified.

The Chf. Justice, now 56 years of age, cannot long be an active member of the court, and he has new habits and new modes of legal decision to acquire. On these grounds I much doubt if he wou'd be an acquisition to the Union, or at least so great an acquisition to the Govt. as Lowell ; but, in addition to all the consequences, which will be apparent in your mind, to taking him from our State bench, Lowell's situation from such neglect of him, will be intolerable. Having held a similar rank under the old Confederation, which Commission is superseded only by the adoption of the new government, the neglect to appoint him to the supreme court will imply a conviction in the mind of him who appoints, that he had been tried and found wanting. This certainly will be disgraceful to a very good and able man. From a regard to the happiness and welfare of this State, and a wish that the just expectations of a valuable part of the community shou'd not be disappointed, and that an honorable & good man shou'd not be extremely mortified, I request your attention & influence in this appointment ; and I am sure, if you see no just reason on national grounds for preferring Cushing to Lowell, you will endeavour that the latter shall not be disgraced. . . . Affectly. yours,

C. GORE.

C. GORE TO R. KING.

BOSTON, August 11, 1789.

MY DEAR FRIEND :

. . . Our friends are much gratified by the appointments of the President, & the good old General (Lincoln ?) seems to have renewed his youth and happiness ; the appointment was unexpected—he understood that the adoption of a general rule would render him ineligible. If a marshall is to be appointed for this

district and the office should not be the choice of Mr. Jackson, or the pleasure of the President, Genl. Brooks of Medford, is honorable, dignified in his manner &, I believe, very capable of performing the duties of the supreme ministerial and executive officer of the district; and I am confident his appointment would be very pleasing to the people of this district. If you think as I do & can aid his appointment, in my opinion you will promote the honour of the United States, and you will render great service to a meritorious man. . . .

Sincerely yours,
C. GORE.

C. GORE TO R. KING.

BOSTON, August 22, 1789.

MY DEAR FRIEND :

Accept my unfeigned thanks for your kind & affectionate letter of the 16th (in answer to one suggesting his name for the office of District Attorney).

Whom to recommend as district judge I do not know. Sullivan is well qualified, in point of capacity—but the world says that his heart is not true. Parsons, in a superior degree, is qualified as a lawyer, but as a man he possesses not one qualification. Dana is talk'd of & were his health not very uncertain, he wou'd undoubtedly be a fit man. Tudor & Wetmore are likewise candidates, as I am told. You know them as well as I do. They are both honest men, and the latter a *painstaking* lawyer, as the phrase is: but if Cushing shou'd be appointed an associate judge, I do most truly hope that Mr. Lowell will be constituted district judge. I have mentioned with freedom these gentlemen & tho' as a public man, I shou'd not be dissatisfied with their appointment, I do not know, that either wou'd gratify my wishes. From different causes applying to these several gentlemen, I shou'd not ask their friendship; and they might feel this a proper and necessary requisite to the appointment of an attorney for the district. The report of the committee to the Senate made the atty. for the district to rest on the district judge for his appointment, but the act as transmitted from

Senate to house only declar'd that such an officer shou'd be appointed. I therefore conclude that, if the act passes in its present form, the district attorney must be appointed by the President. If this appointment can be given to me without injuring the just claims of others & without giving pain, except what may arise from envy, I shou'd be gratified. . . . I write to you, my dear friend, with the frankness that I wou'd speak to you, and with the same freedom that I think. Knowing my situation perfectly, as you certainly do, I commit this concern cheerfully to the friend of my heart, with this only assurance, that whatever may be the disposition of the President, if the appointment is with him, I shall be perfectly satisfied ; if with the district judge, I have too much pride and independence to communicate my wishes to whomever he may be. I am most truly your friend

C. GORE.

C. GORE TO R. KING.

BOSTON, Sept. 13, 1789.

. . . The friends of the federal government regret that so much time has been devoted to the subject of a permanent residence before the government was organized. What causes the delay of appointing the executive officers? We have been in expectation of hearing the appointments every post the week past, and such is the celebrity of Col. Hamilton's name in this part of the country that if he is appointed to the office of Secretary of the Treasury, it will afford great joy to all. C—, the Honesti, & John Winthrop are the only cavillers at the doings of Congress among us & their influence is not so great as to cause any apprehension.

Farewell, I am affectionately your friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, Sept. 27, 1789.

MY DEAR FRIEND :

On my return from the country last evening, where I have been the past week, I met your favors 17 & 20th instant. Lowell & Dana's appointments, if the same shou'd take place will gratify

not only me but all the friends of the Government in this district, & I cannot but hope we shall hear that Jackson is to be the Marshal ; he is really poor tho' not embarrassed, and we know him honorable. For myself I can truly say, that the appointment of Tudor will not mortify me.

C. GORE.

C. GORE TO R. KING.

BOSTON, Dec. 3, 1789.

His Excellency has attained to such a measure of health (blessed be God) as again to pay and receive visits. A few days previous to & after the arrival of the President in Boston he was sick. Be assured that whatever was his disorder, or the cause of it, those who are considered as his enemies have treated him with an unexpected degree of delicacy. They have been silent—and his advocates dare not say his conduct was becoming. . . . Reports are that the United States will assume the debts of the several States. Various motives induce an acquiescence in this project but there are not wanting those, who will oppose it in this State for the reason that the federalists wish the adoption.

Such were the measures adopted by our Legislature & the conviction that follow'd from the arguments then used in favor of funding the debt, that I entertain no doubt, if the same characters, in the coming session, exert themselves in favor of the plan, it may be carried. Shou'd this event take place, the assumption by the national government will be attended with difficulties, perhaps considered too trivial by National men. Many who favor'd the project of funding the debt the last session will not promote it the ensuing one, if they can feel any confidence in the assumption by the U. States ; but otherwise they are bound in honor to themselves & obligation to the State creditors to pursue the same measures that were proposed the last session. Pray give me your sentiments on this subject.

Yours truly

C. GORE.

CHAPTER XX.

Debate in the Senate on the permanent Residence of Congress—Several Propositions—In Pennsylvania—On the Susquehanna—At Germantown—Agreement of the Pennsylvania and New York Delegates—If that on the Susquehanna failed, then the Senate agreed it should be at Germantown.

Among R. King's papers is this report of a debate on the permanent residence of Congress.

Sept. 22, 1789.

Butler. I am opposed to this Bill—suitable buildings may be obtained without public expence ; it is therefore unnecessary to borrow a large sum of money for that object. I move to postpone the consideration until the next session.

Grayson. I second the motion from So. Carolina—the Bill is exceptionable—it is problematical what rule shd. be chosen to decide this question. Some say population, some wealth, and others territory—besides the expence is an objection. Virga. has by law offered £100,000, provided the Congress will reside in yt. State. Pensa. ought to do the same. Lands and money shd. be offered by the State which solicits the residence. In addition to this, we shd. wait till a new census & until No. Carolina & R. Island are in union. We are well accommodated here and are under no necessity to remove to cabins & a place of general inconvenience.

Morris. I presume the postponement will not obtain—the objection from the appropriation of money is not important. I think that the 100,000 Dollars will be loaned in Pen., nay the State will give the land, and pay to the amount of 100,000 Dollars towards erecting the buildings. I cannot speak with positiveness concerning the Legislature of Pensa., but if they do not, I am certain that individuals will do all that is necessary ; and if the

law passes, I doubt not but that the Delegates of Pensa. will come forward at the next session with a proposition offering free of expense to the U. S. a suitable District and monies to a considerable amount to erect the buildings for the accommodation of Congress.

Lee. I concur with my colleague—we are well situated here & should remain here until we obtain farther information, concerning the proper place for a permanent Residence.

23d September, 1789.

Mr. Morris proposed and the Senate agreed to postpone the preceding part of the Bill establishing the permanent Residence of Cong. in order to take into consideration his motion to strike out the proviso which requires the prerequisite of laws passed by Maryland & Pennsylvania consenting to the removal of the obstructions to the navigation of the Susquehannah. He observed that Pennsylvania would not gratify Maryland by consenting to open this navigation, until Maryland would gratify Pennsylvania by consenting to the opening canal communication between Chesapeake & Delaware Bays—that the proviso compelled Pennsylvania to consent to the opening the navigation as a condition to have the Federal town, & thereby deprives her of a consideration which wd. induce Maryland to agree to the canal between the Chesapeake & Delaware—besides, he observed that Maryland might desire the permanent residence to be fixed on the Potomac—if so, the proviso requiring the consent of Maryland to the opening the navigation of the Susquehannah, she might decline giving her consent and thereby defeat the bill. Certain it is that many Gentlemen opposed to the Bill voted in favor of the proviso in hopes of thereby procuring the rejection of the Bill.

Mr. Carroll. Maryland has incorporated a company who have power to open the navigation of the Susquehannah within the State of Maryland. That company has already expended many thousands to affect the navigation—this remark answers the objection that Maryland might defeat the bill by withholding her consent that the navigation shd. be opened. Maryland has consented and the consent being in nature of a contract cannot be revoked. As to the Canal between Ches. & Del., Pennsylv. has proposed the subject to Maryland, and Maryld. has appointed Comrs. to confer with those of Pennsya. I think that Maryland

will not object—one of the Comrs. has informed me that he has no objection, and if there is any objection, I think it must be in Delaware, & not in Maryland. I prefer the Potomac to the Susquehannah, but if the proviso is retained & the Potomac cannot be carried, I shall vote for the bill ; if the proviso is lost, I must vote against the bill.

Maclay. Pennsylvania is not disposed to obstruct the navigation of the Susquehannah ; the business of opening the canal has languished ; and by a late law passed on the 12th instant by Pennsylv. the Susquehannah is declared to be a common high way through the State of Pennsylv. and commissioners are appointed to remove the obstruction. Pennsylv. therefore, has expressed her consent to the opening of the navigation, and the proviso meets the opinion of the State as expressed by this law. I know and can speak with confidence concerning the navigation of the Susqueh. All the supplies for Gen. Sullivan's army passed thro' my hands—Until Harvest or the last of Augt. there is water enough—the boats pass freely—they carry 60 Bll. of flour or 40 Blls. of Beef. Gen. Clinton drew his boats from the Mohawk to the Head of the Susquehannah and descended to the Falls.

A Treaty being on foot between the Delegates of Penn. and those of the Southern States to fix the permanent residence of congress on the Potomac, and to make Philadelphia the temporary residence, the Delegates of the States east of New York met Mr. King & Mr. Lawrence on behalf of those of N. Yk.—and after considerable discussion whether the permanent residence ought to be on the Susquehannah or the Delaware, they agreed that Mr. King & Mr. Goodhue shd. offer to the Delegates of Penn. that they would vote the permanent residence on the east bank of the Susquehannah within the State of Pennsylvania provided the Delegates of Penn. wd. agree to fix the temporary residence at N. York until the buildings for the permanent shd be ready. Mr. K. & Mr. G. met the Penn. Delegates soon after yt. meeting and before the subject was mentioned, Mr. Madison came in and after conversing with the Delegates of Penn. by themselves for some time, the Delegates informed Mr. K. & Mr. G. that they were so embarrassed with a connection with the Southern Delegates, that they cd. not confer with us concerning the subject of our meeting them. Mr. K. observed to them that he & Mr. G.

shd. not offer any proposition until they were ascertained from the Delegates of Penn. that they were not under any engagements upon the subject of the future residence of Congress.

Mr. K. farther observed that he and Mr. Goodhue were authorized to speak on behalf of all the Reps. & Senators except two, east of N. Jersey—the two gentlemen's opinion, whom they expected, they had not had the opportunity to confer with (Ellsworth & Wyngate) & that they would not therefore speak positively of their opinion, but that they expected their concurrence with their colleagues. Mr. K. added that the Eastern States were now united, but that whether they ever wd. be so combined in future he could not say. Mr. Morris being present at this meeting after conferring with the Delegates of Penn. requested Mr. K. & Mr. G. to suspend their business until he shd. confer with them in future.

On the next day Mr. Morris informed Mr. K. that the Delegates & Senators of Penn. agreed to the proposition, which Mr. K. & Mr. G. were authorized to offer them.

In consequence of this agreement the house of repa. passed a bill which was carried by the Votes of the eastern states, carrying into effect the foregoing arrangement, they also agreed to a clause in the bill mortgaging 100,000 Dollars of the impost to defray a like sum which the Secretary of the Treasury was directed to borrow for the purchase of the land & the erection of the buildings. The Bill came to the Senate with a proviso suspending the powers thereof until the President of the U. S. shd. be satisfied that all legal impediments in the States of *Maryland* & Penn. were removed touching the opening of the navigation of the Susquehannah. The Senators of N. Yk requested the Delegates of Penn. to inform them 1st. Whether they considered the proviso as operating against the engagement to fix the permanent seat in Maryland, and that of consequence the Senators of N. Yk shd. vote to expunge it? 2nd. Whether if it was not expunged they held them bound to vote for the Delaware River? 3rd. if that could not be carried, whether they held them bound finally to vote against the Bill?

“To the first the Reps. of Penn. answered unanimously in the affirmative—to the second, they answered 7 Ay and one No.—to the third four answered Ay and four No. ; and seven out of

eight were in favor of the Germantown District if the proviso could not be expunged. In this stage of the business Mr. Morris, a Senator from Penna., offered the Senators from N. Yk, that provided they wd. vote for the Germantown District, for the permanent seat of Cong., the Delegates of Pennsylvania, himself, Mr Read and Mr. Basset, Senators from Delaware would engage on honor to vote against the removal of Congress from N. Yk prior to Jany. 1793. Mr. Read & Mr. Basset both entered into this engagement with Mr. K., Mr. Morris & Mess. Fitzsimons, Clymer, Scot, the two Muhlenburghs & Wynkoop signed such an engagement on the 23 Sep. 1789,* & Mr Morris engaged verbally to Mr. K. to write Mr. Paterson & Mr. Elmer, Senators of New Jersey, & Mr. Langdon, Senator of New Hampshire in the same engagement.

Connected with the Germantown plan was this proviso, "that Penn. shd. advance the 100,000 Dollars for purchasing, building, &c." This arrangement was laid before the Reps. of N. Yk by the Senators of that state, who told the Reps *they* were not engaged, that they asked their advice ; if they advised for or against it, they wd. vote accordingly : that they must take an equal portion of the merit or Demerit of the measure, whichever way they decided or advised. The Reps. unanimously, with the exception of Genl. Floyd, advised the Senators to vote for the Germantown District, provided that the Susquehannah shd. be struck out by

* The citizens of New York having been at a considerable expence in preparing buildings for the accommodation of Congress, We the subscribers severally engage upon our honor that we will not consent to the removal of Congress from the City of New York to any other place prior to the month of January 1793—that we will use our influence to prevent such removal ; and we do hereby enjoin upon our Successors the observance of this Engagement : provided that this engagement is to be void unless a law passes during the present session to establish the permanent seat of Congress within a district in Pennsylvania including the Town of Germantown.
New York, 23d Sepr. 1789.

(Signed)

ROBT. MORRIS.

FRED. A. MUHLENBERG,

GEO. CLYMER,

P. MUHLENBERG,

HENRY WYNKOOP,

THOS. FITZSIMONS,

THOS. SCOTT.

Endorsed : "Copy of Agreements of Pen. Delegates with those of New York, 1789."

the Senate ; and the Senators voted accordingly and the bill passed the Senate.

Tuesday June 29.

Ellsworth. Being charged by Majr. Butler with having deceived him when I said a few moments since, that I had given my votes under a conviction that the permanent Residence could not now be established, and with a hope that the Bill wd. fail—I explain, I did tell that Gentleman that I wd. agree to Baltimore as the permanent Residence—I voted in conformity with this Decon., and with a sincere wish & hope that my vote would succeed—that having failed, & the Potomack having been established, from that moment I hoped the bill would fail.

I am now convinced that the permanent Residence cannot be established and am willing to pass a Bill giving a short Residence to N. York, and then remove to Phila.

CHAPTER XXI.

First and second Sessions of the first Congress—New York not represented until late in the first Session—Debates in the Senate with closed Doors—Mr. King Chairman of the Committee to answer the President's Speech at second Session—Funding Bill—Assumption of State Debts—Questions of the temporary and permanent Residence of Congress—Settlement of both by a Compromise as here related—Correspondence C. Gore relative to Assumption.

The State of New York, having failed to elect United States Senators for the opening session of the first Congress, was not represented in the Senate during the earlier proceedings for the inauguration of the new government. While many details for the proper management of its duties were adopted, the only important general measure presented and carried was that for levying duties on goods and manufactures from foreign countries as a source of revenue. It was not until July 25, 1789, that Mr. King, who had been chosen Senator at a special session of the New York Legislature, took his seat in the Senate, and from that time on was actively interested in planning and aiding in perfecting the system of laws and regulations which were required to put in operation and to establish the government on a firm foundation. The distribution of business to the several departments which were at that time created, the formation of the judicial courts, laws for raising revenue for the support of the government and for the payment of the debts contracted during and since the Revolutionary war, the amendments to the Constitution which had been proposed by different States at the time of their ratification of it, the

regulation of intercourse with the Indian tribes, and other new questions, called for and received the earnest attention of Congress.

That Mr. King's time, experience, and abilities were freely and fully given cannot be doubted, for the Journal of the Senate shows that he was on many important committees, such as those which had in charge commercial questions relative to the foreign and the coasting trade, the treaties with Indians, the payment of pensions, the compensation of the members of Congress, and the safe keeping of the records and seal of the United States; of several of which committees he was the chairman.

There is no way of ascertaining the extent and actual character of the work done by him, except by his recorded votes. For, unlike the House of Representatives, whose proceedings were conducted with open doors, and whose debates are recorded in full, the Senate sat with closed doors, and no reports of what took place within are to be found, except in the Journal.

It may be here stated that efforts were made at an early date to change this regulation. Year after year, the proposition was voted down—Mr. King always voting to make the proceedings public—until, in the year 1794, when the question of Mr. Gallatin's right to a seat in the Senate arose, a motion was made and finally passed on February 20th, by a vote of 19 to 8 (Mr. King in the affirmative), "that after the present session of Congress and so soon as galleries shall be provided, the said galleries shall be open every morning, so long as the Senate is engaged in their legislative capacity, unless they judge secrecy required," a rule which still prevails.

When the second session of Congress met, on January 9, 1790, Mr. King was appointed by the Senate chairman of the committee to report an answer to the President's speech, which had briefly noticed the general good-will of the country towards the new government, the accession of North

Carolina to the Constitution, and the general prosperity, and suggested matters which demanded the attention of Congress. The answer, reported by the committee, probably written by the chairman, and adopted by the Senate, returned the thanks of the Senate for the speech, adverted to the various points presented in it, with a brief statement of their satisfaction that the measures of the previous session of Congress had met with the approbation of the people, and closed with the statement that "our cares and efforts should be directed to the welfare of our country; and we have the most perfect dependence upon your co-operating with us, on all occasions, in such measures as will insure to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal Government."

In the distribution of committees, Mr. King was placed upon those relating to the regulation of trade, naturalization, the terms of office, and the time for choosing electors. But, although these and many other questions were satisfactorily settled, they were for a time overshadowed by two others; the fixing the place for the permanent seat of government; and the plan for the support of the public credit, known as the Funding bill. The House of Representatives at the previous session of Congress had called upon the Secretary of the Treasury, Alexander Hamilton, to report upon the subject, and at an early date this session, a report was sent in to the House, referred to a committee, and not very long after gave rise to an able and at times a heated debate upon the principles on which the finances were to be established.

The plan contemplated funding the foreign and domestic debt, with then accrued interest, the assumption of the State debts, the borrowing of a sufficient amount of money to pay the debts, the setting apart the revenues derived from customs and excise for the payment of interest and the final redemption of the debts, and for the creation of a national bank as the fiscal agent of the government. It is not intended to discuss here the merits of the plan, which in the

main was finally adopted, limiting the amount to be allotted to each State, pledging in addition for the redemption of the whole debt the proceeds from the sales of the public lands; and becoming in fact the foundation of the financial system of the United States, which, with some changes has prevailed ever since.

After an earnest discussion, which aroused a strong feeling and was participated in by the ablest men from every quarter of country, the principles upon which the general debt and interest were provided for, were adopted, but when the proposition relative to the assumption of the State debts came up, objections were strongly urged against it, and every effort was made to defeat it. Massachusetts, Connecticut, New York, New Jersey, and South Carolina earnestly sought to carry it; while Virginia, Maryland, North Carolina, which had only recently adopted the constitution, and Georgia, with New Hampshire and Rhode Island, just admitted to the Union, were strongly opposed to it; Pennsylvania and Delaware were divided, though the latter's representative was in favor of it.

It will be seen in the correspondence presented, that the capitalists of Boston had opposed the funding of the debts as proposed, chiefly on account of the low rate of interest to be paid, but they and others also objected because they feared the State importance would be diminished when the debt was to be transferred to the general government. The representatives from Massachusetts in the House of Representatives, however, strongly urged the plan. Virginia and Maryland also feared an increased influence of the general government, and the former resisted the assumption of the State debts because she had reduced hers largely by funding her paper money at a large discount and by extensive land sales in Kentucky.

The opposition prevailed and the assumption was defeated by a vote of 29 to 31, and though it was brought up again several times, no action was taken and the whole measure seemed to be lost.

While this was going on the other question, which had been left unsettled in the last Congress, relative to the permanent seat of government, was pressed. The nearest approach then to a determination of this question had been to adopt Philadelphia, but it had failed, and the decision was thrown over to the present Congress. In the meantime, the matter had been carefully canvassed, and jealousies aroused, which threatened to make New York the temporary residence, until the buildings for the new seat of government could be made ready for occupation. The following account, taken from Hildreth, *History of the United States*,* shows clearly and briefly how this was made to help in solving the other question of the assumption of the debts of the States.

"The States most interested in having the federal capital on the Potomac were Virginia and Maryland, and, as a very rapid growth seems to have been generally anticipated for the federal city, this interest was particularly strong in that part of these two States immediately bordering on the river. It occurred to Robert Morris and others, strong advocates for the assumption, that, if gratified as to the seat of the federal capital, some of the Virginia and Maryland members might be willing to yield the other point, and a change of two or three votes would be sufficient to change the majority in the House. Jefferson complains in his *Ana* that, having but lately arrived at New York—he had, in fact, arrived and entered upon the duties of his office in the midst of the slavery debate—he was 'most ignorantly and innocently made to hold the candle' to this intrigue, 'being duped into it,' as he alleges, 'by the Secretary of the Treasury, and made a tool of for forwarding his schemes, not then sufficiently understood.' Hamilton, it seems, appealed to Jefferson for his aid and co-operation as a member of the cabinet in calming an excitement and bringing about the settlement of a question which seemed to threaten the very existence of the federal government. Jefferson proposed to Hamilton to dine with him the next day, on which occasion he

* Second Series, I., pp. 211, 212.

pose that these gentlemen think such measures advisable ; but I am well convinced that the attainment of their wishes, altho' in my own opinion truly important, if not indispensably necessary to a good system of finance, will not in any degree compensate for a delay of funding that part of the debt which is more immediately obligatory on the nation. The people were disappointed & dejected at the non-assumption ; but all orders of men, in the populous towns, are outrageous in their exclamations against Congress for delaying to fund the Continental debt. They say their money is taken from their pockets & from trade in general to be locked up in the closets of the Treasury, or spent by the immediate officers of government. Unless something is speedily done by Congress to throw the money from the custom-houses among the people at large, I am really afraid that the collection of duties will be as unpopular, as under the British government. The evils complained of are perhaps not real, and very probably not imputed to the right causes, but a general belief that delay to fund the debt takes so much money out of circulation & that the doing this (funding the debt) would revive their trade & business has the same effect as if absolutely true. I write these things to you, because I fear that some of our friends feel the object of assumption so important to Massachusetts as to be in danger of hazarding too much for the prospect of attaining it.

Yours affectionately,

C. GORE.

C. GORE TO R. KING.

BOSTON, May 15, 1790.

MY DEAR SIR :

. . . The Chief Justice (Mr. Jay) hath delighted the people of Massachusetts. They regret that Boston was not the place of his nativity & his manners they consider so perfect as to believe that New York stole him from New England.

Affectionately yours,

C. GORE.

C. GORE TO R. KING.

May 30, 1790.

The assumption has been again attempted & lost. I sincerely hope no other delays attend funding the continental debt. Very dangerous consequences are to be apprehended to a future system of funding. It is verily true that the doctrine of discrimination now finds advocates among many, who have heretofore been considered as rational men & men of understanding. What should you think of Judge Dana, Genl. Hall & some others, equally important, advocating such doctrines in the most public and unequivocal manner. These things are true, and it is likewise true, that a spirit of opposition to the revenue laws has been created and is increasing. People say, for what purpose do we pay our money into the collector's chest—none of it returns; & what can oblige us to visit the Custom House on an arrival? The most substantial men, in point of property and, hitherto, the firmest supporters of the present Constitution, in Salem, have publicly express'd such sentiments, if not the very words.

These things, my dear friend, make me truly anxious that some men shou'd be bound to this government by strong pecuniary ties, and which ties are not obvious to the public view. Suppose a possible event, the dissolution of the President, wou'd not, unless some chain of more & stronger links than now binds the Union shou'd hold us together, the American people cease to exist as a nation—and let me ask what other chain so binding as that of involving the interests of the men of property in the prosperity of the Government. . . .

Your affectionate friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, June 20, 1790.

MY DEAR SIR:

I do most sincerely hope that your exertions for the assumption & establishing the permanent residence of Congress may meet with success. So many unfortunate quarrels among the members of Congress about questions in which few citizens only

are interested, to the neglect of those matters in which all are engaged, have afforded grounds of complaint against the Government, without raising any friends to advocate the measure of administration. Dalton's election I think probable. The candidates are numerous. Jarvis and his party have in vain endeavored to obtain a choice by joint ballot of the two branches in one room. Gorham is a candidate but he declares that he will not frustrate any measures, that may be thought conducive to his, D.'s, success. I wish he would take an active part in Dalton's favor. This and Strong's influence by letters to his friends would insure him an handsome majority. The time is not yet assign'd for the choice, but a fortnight will probably include the time. You may rest assured that no pains will be spared on my part to effect this measure ; it is one in the success of which I should greatly and sincerely rejoice. . . .

Affectionately yours,

C. GORE.

C. GORE TO R. KING.

BOSTON, June 28, 1790.

MY DEAR SIR :

My nephew has resided at Cambridge & been a boarder in the College for the two last years. His quarter bills have amounted to eight pounds—this includes boarding, tuition, sizings, & punishments. I say eight pounds, tho' seldom does the sum exceed £7. except the last year. His buttry bills amount in the whole for the time he has been at the University to £20. The expense of Cloathing I cannot tell with any degree of accuracy—tho' not more than for young men in the town. I have always allowed half a dollar a week for spending money : On particular occasions he has had additional allowances.

I believe the College is under good regulations, and its liberality is increasing. The advantages attending your brother's residence in your own family I should think would counterbalance many others which are unattainable in N. York. I do not know the situation of the College in your city. The immediate officers

of Harvard are well disposed to promote the Knowledge of their pupils—they are men of science : and the funds of the University are increasing, which will enable them to enlarge the means of information.

You will long before this have known the state of our election. Dalton was universally opposed in the house, merely because he was a Senator. The advocates for the other candidates warmly encouraged the prejudices against the present members by inveighing against large salaries, compensations & the want of industry in Congress. This unjustifiable conduct had great effect, & clear'd the way for other candidates of which there were many. Cabot will serve & setting aside the mortification to an honorable man & the fickleness displayed by the Government in abandoning one who has conducted unquestionably well, the choice is good. I very much question if any of our delegation attempted by a correspondence with their friends, to promote Mr. D's re-election. . . .

Sincerely your friend

C. GORE.

C. GORE TO R. KING.

BOSTON, July 11, 1790.

MY DEAR SIR :

. . . The success of Philadelphia is truly mortifying to all who wish to see base means unsuccessful. I truly regret that those whose characters we thought correct shou'd bend to such measures as are dishonorable for the purpose of gaining any object. Mr. Ames observes to me that he can very justly say that his hands are free from the guilt of bartering one thing for another.

The appearances are against our national prosperity, and all real friends to our country have grown weary with disappointment : but nothing seems to have happen'd more contrary to their expectations than the bare 4 per cent as proposed by the Senate. That a proposal so undisguised & unjust shou'd come from that branch of the Legislature was not within our expectation : the odds to Massachusetts in point of real property between this and

the Secretary's report will be so great, that I think our members ought to hazard every thing rather than accede to such schemes. Indeed, my friend, the untoward projects of influential men in Congress, which are daily rising to view, leave small prospects of our country's attaining to that dignity which we fondly hoped at the adoption of the Constitution—farewell

I am sincerely your friend,

C. GORE.

C. GORE TO R. KING.

BOSTON, July 13, 1790.

MY DEAR SIR :

The embarrassed situation of Congress and our public affairs is truly distressing to all those who love and respect the American name. We feel and fret at the delay of great business for such paltry objects as where the business of our country shall be done, and to me it is truly mortifying that Pennsylvania shou'd be gratified when her representatives have behaved so disgracefully.

I sincerely hope our friend Ames has conducted to the satisfaction of all honourable men. I feel no doubt of the purity of his intentions. . . .

Very sincerely yours,

C. GORE.

C. GORE TO R. KING.

BOSTON, July 22, 1790.

MY DEAR SIR :

. . . We are constantly hearing strange stories about the acts of Congress relative to the public debt, and expresses are said to arrive here in ninety six hours from the seat of government. What will be the result no one is bold enough to divine—a favorable one to the honor of America prays

Your affectionate friend

C. GORE.

C. GORE TO R. KING.

BOSTON, July 25, 1790.

MY DEAR SIR :

The people of this State own very large quantities of the debt of the U. S. and in case of a funding system on principles advantageous to the creditors and honorable to the government wou'd draw very largely from its revenue. When I reflect on this, which is known to and acknowledg'd by all our delegates, I am really at a loss to conjecture the motives, which have influenc'd the delegates from Massachusetts in acceding to a reduction of the interest.

I have known that a majority of them have advocated a less rate of interest than the proposal of the Secretary. The wisest and best men in this quarter of the country have very explicitly declared to these gentlemen their abhorrence of such reduction, as unjust & dishonorable. . . .

Affectionately your friend

C. GORE.

TRISTRAM DALTON TO R. KING.

NEWBURYPORT, Sept. 25th, 1790.

MY DEAR FRIEND :

I was this week informed in Boston that Mr. Osgood, not inclining to remove to Philadelphia, had determined to resign the office of Postmaster General, and that Dane was looking after it. Should Mr. Osgood give up his place, it appears to me, on a sudden reflection, worthy my notice—and that the duties of it would be as agreeable to my disposition as any I could obtain. The salary, it's true, is moderate at 1600 dollars, but it will not lessen ; and the advantages Mr. Deblois might exp., by my being so near him, might counterbalance it.

The office not having been created, nor the emoluments increased *since* my Election I can apprehend no difficulty on account of the last clause of the 6th Sectn. in 1st Article of the Constitution. On this point, however, I will rely upon your better judgment. If there can be no objection on this head it would be

fortunate, as almost every other office has been created since I have acted as a Senator. If this desired event should take place, at the Commencement of the Session, a resignation of my Seat would on *no* account be disagreeable to me—the new elected Member being, without a doubt, ready to attend, if the Executive shd. think proper to appoint him. . . .

I will thank you for your free advice and opinion, as to the importance & suitableness of the plan for me ; the constitutionality of my being appointed. . . .

Would our friend Hamilton favor my wishes? You can judge I could fill the remainder of the sheet with the most sincere regards of my whole family to every branch of yours, their affections are warm and substantial.

The subject matter of this letter will remain solely in your & Mr. Lear's bosom.

Your real friend,

TRISTRAM DALTON.

C. GORE TO R. KING.

BOSTON, October 23, 1790.

MY DEAR SIR :

. . . Ames' election in Boston was the highest possible evidence that cou'd be produc'd in favor of the Government. Austin and his friends, with S. Adams, Hancock & Jarvis were open, warm, and assiduous in favor of their candidate. Their arguments were artfully addressed to the most unguarded parts of the mind of a Boston Patriot. Our friend, T. D (alton) & his father were uncommonly industrious in the use of all their influence to attain votes for the little Judge. If reports are true men were hir'd & in daily pay of the former to create a favorable influence in the country, & personal solicitations were used by both. Indeed the most ridiculous and disgraceful stories are told of Thomas ; and the event shewed, in a light truly mortifying, the little influence & small effects of dishonorable means. Austin boasts that he had more votes than Dawes, & the latter confesses himself mortified that he was less successful than the former. The election was the most honorable testimony to Mr. Ames of

the approbation of his fellow citizens. Governor Bowdoin will die in a short time : his physicians think that he cannot recover. Govr. Hancock is a little revived, but he has all the marks of approaching dissolution, his face bloated, his legs swelled &c. &c.

J. Coffin Jones is gone to R. Island to be married to a Miss Champney of 19 yrs. John Codman is soon to be married to Miss Caty Amory. Thus you see, my friend, our patriots are dying & our widowers are marrying young girls to supply the vacancies and our architects are raising monuments—one on Beacon Hill to commemorate all the important acts of the American Revolution—at first eminent Patriots are thus to be handed down—but on experiment, it was too hazardous to state their several ranks—and a doubt was entertained, if the size of the monument would admit of half their names. Farewell.

I am very affectionately your friend,

C. GORE.

CHAPTER XXII.

Bank of the United States chartered—The Admission of Kentucky and Vermont as States—Whist-Club Invitation—Branches of U. S. Bank in Boston and in New York—Letters from Mr. Gore about the Objections in Boston to the Establishment of one there—These gradually removed—The Branch there in successful Operation.

A part of the plan for establishing the public credit was the incorporation of a National Bank as the fiscal agent of the government. The necessity for an institution of that kind had been felt in managing the business of the Treasury, as a consequence of the condition of the currency. This consisted at the time of certificates which had been issued by the Continental Congress in payment of debts, or by different States for similar purposes, and as they had no other basis than the credit of the authorities that issued them, they had greatly depreciated in value, and afforded a very uncertain medium of circulation. This caused the greatest confusion in the monetary affairs of the country, and some remedy was required, which seemed to offer itself in the establishment of a national institution, which, while contributing to afford facilities for commercial purposes, might aid the government in dealing with its creditors, and in making loans to it for temporary use.

The plan had already been used by the charter, under the Continental Congress, of the Bank of North America in Philadelphia, through which Robert Morris had been able to assist the government during his administration of the Continental Treasury. Banks were also in existence in Boston and in New York which had materially helped, by their

loans, the mercantile communities in those cities ; and as it was believed that, as they were useful in their limited range, an institution whose field was the United States would be most beneficial in making an uniform currency based upon specie. As yet there was no specie coinage in the United States, except of some copper cents, which had been made for the government, for there was no mint.* Foreign coins were received and paid out at a fixed value.

Under these circumstances, Hamilton had recommended the formation of a national financial institution, and supported his suggestion by such clear and cogent reasons, that a committee of the Senate reported a bill to establish a National Bank which embodied his suggestions, and which was passed, after some slight amendments, "without a division." In the House it met with opposition, the Eastern and Northern members advocating it, while the Southern members, chiefly from Virginia, objected to it for various reasons, Mr. Madison's being its unconstitutionality.† It passed, however, by nearly two to one—39 to 20—and the President, after careful consideration, signed it.‡

Without entering upon a detail of its charter, it may be mentioned that the capital was ten millions of dollars, eight millions of which might be subscribed for by individuals, paying one fourth in gold or silver, and three fourths in the stock or loans of the United States, while the government was to pay in two millions in cash out of the money borrowed to pay its debts, but with the privilege of loans from it to the amount of its subscription, reimbursable in ten annual payments.

The shares of the bank were subscribed for within twenty-

* A bill for the establishment of a mint became a law in April, 1792.

† When the second Bank of the U. S. was chartered, in 1816, Mr. Madison, then President, signed the bill.

‡ Mr. Jefferson, Secretary of State, and Mr. E. Randolph, Attorney-General, gave their opinions against the constitutionality of a National Bank. But Hamilton's able exposition of the whole question, in answer to the President's request, settled his opinion and he signed the bill.

four hours, and although in various quarters some opposition had been met with, chiefly because it was supposed that it would interfere disadvantageously with the then existing banks in other places (for Philadelphia was to be the seat of it, and it had power to establish branches elsewhere), the advantages accruing from it were soon felt in a sounder business condition, in the accommodation received by the government in its financial dealings, and in its restraining power over the issues of other banks.

As the business of the country increased, branches were placed in other cities ; new local banks sprang up also ; but all worked harmoniously together, though the influence of the large capital of the National Bank checked their extension and regulated their operations.

Of the twenty-five directors chosen to manage its affairs, Mr. King was one, and held the office for a few years, leaving the direction, as will be seen, when he was called upon as Senator to vote upon certain proposed amendments to the charter.

In his address to the third session of the first Congress, the President stated that he had received communications relative to the desire of the District of Kentucky to become a member of the Union, having complied with the requirements of the State of Virginia, and a few days after sent to the Senate the documents concerning this application. These were referred to a committee, which reported favorably, and brought in a bill, constituting the District of Kentucky a State of the Union, which was adopted without a division, and became a law by a similar action of the House of Representatives and the signature of the President, on January 28, 1791.

Not long after this the President sent a message to Congress, informing it that the Governor of Vermont had sent to him documents which conveyed the consent of the Legislatures of New York and Vermont to the admission of the latter as a State of the Union, and asking for the consent of

Congress. This was referred to a committee, of which Mr. King was chairman, who reported the next day from the committee a bill for the admission of the State of Vermont into the Union, which was passed by the Senate on the next day, February 12th, without a division, and on the 14th by the House of Representatives.

That Mr. King was an active and influential member during this Congress is evident from the records of the Senate, where his name appears either as chairman or member of many of the important committees—especially those relating to the commercial and financial regulations which were fixed at this time, his vote being always in favor of general policy suggested and embodied in the reports of the Secretary of the Treasury, with whom his intercourse was of the closest character, whose ability he recognized, and in whom he had the highest confidence for integrity and patriotism.

Endorsed : "SCHUYLER, Jan., 1791, to Mess. King, Benson & Laurence."
 TO KING RUFUS, BAAS MICHAEL TEN BROECK, THE BATAVIAN
 PRIME MINISTER OF THE POTENT PRINCE OF ABBYSINIA,
 AND TO JOHN BULL, THE RENEGADO ENGLISHMAN,
 THE TERROR OF INFIDELS.

BAAS PHILIP SCHUYLER

Sendeth greeting

Know ye that Proteus Williams has deserted and lunched the Baas' friends in the Senate ; that he outnumbered the adversary in the other army by only one file, that the artful foe waited the arrival of the mighty Adgate from Columbia who was to join him on the day assigned for the Contest, that then if heaven does not interpose, the poor Baas is, or will be done over in this world, and he has only to hope for a resurrection in the next. In the interim he prays that the Glorious and Illustrious triumvirate will come and comfort him. Morgan will be here, that Morgan who has not entered into the councils of the perfidious.

By order of the Baas, Whist Secretary.

C. GORE TO R. KING.

BOSTON, June 13, 1791.

MY DEAR SIR :

. . . My brother Payne will deliver this, His journey to New York & Philadelphia is intended to enlarge his acquaintance with the commercial characters of those cities. You know his worth & I need not say that you will oblige me by promoting his views. The most respectable gentlemen of this place have requested him to subscribe for them to the National Bank. You may therefore know from him the probable influence of Massachusetts in this corporation. Indeed, the subscribers here are generally of opinion that unless there is sufficient weight eastward of Philadelphia to balance the influence of that city, they had better not be concerned in the Stock. Our people, with very few exceptions, will rejoice to co-operate with the citizens of New York in any arrangement which shall have for its object such a state of the Bank. If on conversing with Payne you shall be of opinion that to effect this purpose it is necessary our citizens shou'd be more deeply interested & will communicate the same, I will endeavor that the subscriptions be encreas'd.

The Massachusetts House of representatives has appointed the afternoon to determine whether or not this State shall subscribe to the Bank. Jarvis and others, who carefully guard our liberties, oppose the measure because they say, in an opposition to the national government, which may be necessary to the securing our property, independence & Sovereignty, such a connection might in a degree allay the fervor of their zeal. The fate of the motion is problematical. . . .

Your friend,

C. GORE.

A. HAMILTON TO R. KING, NEW YORK.

July 8, 1791.

MY DEAR SIR :

I received your letter on a certain subject and was obliged by it. But there was nothing practicable by way of remedy.

The thing, as it has turned out, though good in the main, has

certainly some ill sides. There have also been faults in the detail, which are not favourable to complete satisfaction. But what shall we do? 'T is the lot of everything human to mingle a portion of ill with good.

The President as you will have seen has returned.* His journey has done good as regards his own impressions. He is persuaded that the dispositions of the Southern people are good; and that certain pictures which have been drawn have been strongly colored by the imaginations of the Drawers.

We have just heard from the Westward; but of no *event* of importance. Things are said to have been in good preparation; the people of Kentucky are wonderfully pleased with the Government, and *Scot* with a Corps of ardent Volunteers, on their route to demolish every Savage man woman and Child.

On Tuesday next I expect to leave this for New York with Mrs. Hamilton.

Sincerely yrs.

A. HAMILTON.

C. GORE TO R. KING.

BOSTON, 7th August, 1791.

MY DEAR SIR :

The post of last evening bro't news that the Bank of New York had completed their number of Shares & that the Directors had reserved three hundred Shares, intending to offer them to the Governor & directors of the National bank—that, by this measure, they hoped to prevent the establishment of a branch from the National Bank in your city. One great benefit contemplated, by the establishing a national bank, viz. the annihilation of State

* An allusion is here made to the Journey the President made in the South, and to the effect upon his mind of the character of the opposition which had been made against the measures of the government. "In the course of this journey he stopped for several days on the Potomac, taking that opportunity to exercise the authority vested in him of definitely selecting the site of the future seat of government. That section made, the Commissioners entered forthwith upon their duty."—Hildreth's *U. S.*, 2d Ser., vol. i., 278.

banks, will fail—if the intentions of New York Bank should be successful, the Mass. bank will probably follow the example, and it is not improbable that a connection will, in the ensuing winter, be proposed by the Legislature to take place between the Government of Mass. and the State Bank. The State Bank of Mass. is well disposed to receive its death warrant at the present time. The stockholders are very largely interested in the National Bank & wou'd willingly promote the latter to the destruction of the former. But this I fear will not long continue their disposition. Some who were shut out from the national bank will be very solicitous of reaping the profits heretofore experienc'd from the State Bnk. The State Legislatures are all organiz'd bodies & disciplin'd to counteract the operations of the federal government—it is now a war of words only—we may have to deprecate a different kind of warfare. We well know the State Legislatures are liberally dispos'd to discern & oppose the power & influence of the nation ; but their meanness & parsimony interfere with their views & besides they are without a military check. Give them a State Bank to recur to and this great evil will be remov'd. The State Bank will continue for a long time to afford great profits to the proprietors of their stock. The State Legislatures will be proud of imitating the conduct of Congress in having a bank under their patronage & having a continuance of this badge of Sovereignty, the emission of money, & the interest of the Commonwealth & the Bank will be made to combine, that the pride and avarice of these two corporations may be gratified.

I have hastily thrown my thoughts on this subject on paper. I wish you to examine them, & whether this continuance of the State banks will not be injurious to the growth of national politics. The few hints will lead to a course of reflections in your own mind—and if the event shall be a conviction that there is no danger to be apprehended, I shall be happy to learn that my fears are groundless ; but I think the present the most favorable time for the dissolution of the State banks, & I fear that politics & interest will unite to support and prolong their existence.

Yours,

C. GORE.

A. HAMILTON TO R. KING.

Aug. 17, 1791.

Your letter of Monday evening * has a good deal tranquillized me. I am glad to learn that the Mischiefs from the over rise of Script are not likely to be very extensive.

I observe what you say respecting the quotation of my opinion. I was not unaware of the delicacy of giving any and was sufficiently reserved till I perceived the extreme to which Bank Script and with it other stock was tending. But when I saw this I thought it advisable to speak out. For a bubble connected with my operations is of all the enemies I have to fear, in my judgment, the most formidable—and not only not to promote, but as far as depends on me, to counteract delusions, appears to me to be the only secure foundation on which to stand. I thought it therefore expedient to risk something in contributing to dissolve the chain.

But I find that I have been misquoted. Speaking of sales on time at twenty-four shillings for 6 p. ct. &c, I think it probable I may have intimated an opinion that they went faster than could be supported. But it is untrue that I have given as a Standard prices below those of the market as mentioned by you. On the contrary, my Standard on pretty mature reflection has been and is nearly as follows,—

For Bank Script	.	.	195
6 per Cents	.	.	22/
3 per cents	.	.	12/
Deferred <i>now</i>	.	.	12/8

I proceed on the idea of 5 pr. Ct. interest taking at the same time into calculation the *partial redeemability* of the 6 p. C.

I give you my Standard that you may be able if necessary to contradict insinuations of an estimation on my part short of that Standard for the purpose of depressing the funds.

Yrs. sincerely & affect.

A. HAMILTON.

* This letter cannot be found.

C. GORE TO R. KING.

BOSTON, Dec. 25, 1791.

MY DEAR SIR :

The directors of the National Bank, will soon elect those who shall manage the branch in Massachusetts, Judge Lowell is gone to Philadelphia, and, we are told, for the express purpose of attaining the cashiership for Mr. Jackson. Shou'd he be gratified, many large & influential stockholders will be disappointed by the exclusion of Dalton. The prejudices of the good judge may lead him to oppose Jonathan Mason junr. & favor the appointment of his friend S. Higginson ; tho' the latter is not a stockholder. You may be assur'd that the popularity of the bank will not be promoted, nor its business increased by an affront to the first or a compliment to the last mention'd gentleman. Joseph Russell junr., when the stockholders prefered their list of candidates, was not consider'd a proprietor. If this had been known, he wou'd probably have had an unanimous vote. You will really benefit the institution if you can cause his appointment. If striking my name from the list is necessary to the insertion of his, I shall be gratified and I am sure the institution will be advanced.

The defeat of St. Clair's army* has occasioned much distress among those whose relations have been slain. We are so far distant from the country & its inhabitants, for whose immediate preservation the war is carried on, that our citizens instead of feelings of impatience to retrieve the national honor and revenge the slaughter of their brethren, clamor against the war as

* In Gen. Hamilton's letter of 8th of July, mention is made of Scott's expedition to the Wabash, which had been successful in chastising the Indians, who had been very unsettled on the Western frontier. To hold them in awe and protect the settlers, it was determined to send Govr. St. Clair with a strong force to establish a line of posts from the Ohio River to the head waters of the Maumee, at which a strong fortification was to be built, extensive enough to hold a large garrison to protect the country and overawe the Indians. After a laborious march through a wilderness, the troops under him became thoroughly disorganized before they reached their destination, and being taken by surprise by the Indians, St. Clair being sick, they were utterly routed, and fled, leaving everything behind them, though a small body of regular troops endeavored to check the disaster. The entire destruction of the force was due to the failure of the Indians to follow them.—ED.

unjust. Wou'd it not be wise to publish the occasion of the war & such facts as induc'd Congress to order the raising troops & the destruction of the Indian towns? Those arguments which produc'd a vote of the Legislature to provide troops & authoriz'd the Executive to employ them against the Savages are unknown to the people of Massachusetts.

I rejoiced to see the name of your friend Lewis announc'd as Atty. Genl. Is your friend Col. Smith gone or going to St. James? He appear'd impatient for his appointment when I saw him in N. York.

Our trade is so flourishing that I sincerely hope Congress, under the idea of advancing, may not impede its growth. A few years only will elapse before we can dictate the terms of communication with any European power. If the prejudices of Britain cannot now be overcome by the force of argument, our capacity to do without their manufactures & to supply their wants on better terms than can be done by themselves will soon be so manifest as to bear down even the pride of John Bull.

Affectionately I am your friend

C. GORE.

R. KING TO R. SOUTHGATE.

PHILADELPHIA, Jan'y. 20, 1792.

DEAR SIR :

. . . He (his brother Cyrus) will make you a visit in the course of next summer, and I shall be very desirous to accompany him. But I find one Tie multiplying upon another to detain me at home ; and it is not without the most painful sacrifice that I continue in Congress. I had much anxiety to see a Government established which would afford a prospect of Stability and Peace ; and I have not been without zeal in the progress of this important event. The Government (such as it is) is settled. My family which is the only scene in which I am entirely happy, requires my attention ; my pleasure in being in public life decreases, and I hope soon to be the inseparable companion of my peaceful family.

I pray you and my Sister to remember me with affection, and be assured that I am with the greatest Truth and attachment,

Your friend,

RUFUS KING.

C. GORE TO R. KING.

BOSTON, Jany. 29, 1792.

The last post brought a list of the directors of the national branch, and we were summon'd to meet and choose one of our members president. A delay was proposed till the arrival of Judge Lowell & Mr. Sears. Some objected to this & observed that the branch president's name was necessary to a completion of the bills; and all appear'd to feel the propriety of an early choice. On enquiry I found that the gentleman who desir'd postpone-ment, did from a sentiment that if the judge was present, he wou'd be elected president; who, it was said, at the request of Mr. Hamilton withdrew himself from being a candidate for the national bank, that he might be an active member in the office of discount and deposit, & take due care of the interests of the nation; that Mr. H.—his friend C. & himself—expected to see his name announced as the president. Those who think well of the judge, express a surprise at his appointment & say he will decline. The direction is very satisfactory to our community.

We are sorry to learn that the Senate of the U. S. is so apprehensive of danger from the power of the President. In some future day when we may have a chief magistrate not so well establish'd in his popularity, we may expect a full submission to the whims & caprices of those who are suppos'd to controul an election.

Very affectionately my dear friend I am yours

C. GORE.

HON. R. KING.

C. GORE TO R. KING.

BOSTON, February 1, 1792.

MY DEAR FRIEND:

My letter, by the last post, inform'd you of the general opinion of the branch direction. Sears has return'd, and it is now ascertain'd if all the directors had been present, the judge wou'd have receiv'd no other vote for President, and all express'd a

surprize at his being tho't of for this office. How did he convince Mr. Hamilton that he possess'd such transcendent abilities? His predictions on the subject of banks have all prov'd false; and it is a very common observation, that so far as he has influenc'd the Massachusetts Bank, he has occasion'd loss to the corporation, and evils of no moderate degree to the trade & business of the commonwealth. I fear he will not find a bed of roses or crown of laurels in this new sphere. . . .

Our Legislature is busy attempting a provision for its debt at 5. per cent—hearing petitions for bridges, incorporating subscribers to Blodget's Tontine, & considering the propriety of admitting a theatre. The judges of the Sup. Court, it is said, intend to oust Dawes by Dana's refusing or delaying to accept the office of Chf. Justice. They say there was no vacancy when Dawes was nominated & appointed, and that all have agreed to refuse an appeal to the chair if offer'd them; by which means it is probable the Governor may be brought to say he had no authority to nominate D., & our little friend be compell'd to recede.

I am affectionately your friend,

C. GORE.

C. GORE TO R. KING.

Boston, April 1, 1792.

MY DEAR FRIEND:

On Monday last we began to discount at the branch—The directors had so generally declared the inability of the bank to gratify the wishes of the applicants, that the demand was less than expected—its amount being only about \$150,000 sold. The discount did not exceed thirty five thousand. It is not probable a large sum will be discounted for some weeks to come; tho' many think the sum too small & that more might be safely issued. There is no question of the solidity of those who apply for credit and that more than the amount of our capital might be discounted every week on good names; but the present ought to be an hour of caution, & the possible error of extreme prudence is consider'd, by some, a less evil, than the uncertain consequences of a liberal spirit and a wish to gratify.

I entertain no doubt but the bank of the U. S. will eventually secure all the good custom. Its advantages are so many, & so exclusively belonging to that corporation that other institutions of the like kind cannot do business to a great profit, if the national Bank be sufficient for the property and commerce of America. In my mind it is desirable that no other institutions, under State patronage, should exist—that they should gradually decline in their profits and find their advantages in surrendering their corporate rights. But be assured, my friend, that while I feel this as a just sentiment, no man would more deprecate a dissolution, occasion'd by their loss of credit, than myself. The evils consequent on such an event are too extensive & important to my view to be contemplated without real distress. If I did not believe that the Bank of the U. S. could, with safety, give a sufficient medium for all the fair concerns of the country and that within a few years, we should see the national faith the only representation of property, I earnestly wish for a coalition of banks—in this sentiment I may err; but if in error I can truly say it is caused by a love of national & a dread of State politics—and I shall be obliged to any friend to be convinc'd of my error & I assure you that I will cheerfully avow a different opinion, when convinced of the propriety.

Very affectionately I am my dear friend yours,

C. GORE.

CHAPTER XXIII.

Governor's Election in New York, 1792—Jay and Clinton Candidates—Returns of Election from Otsego and Tioga Counties rejected by the Canvassers—Clinton declared elected—Troup, King and Hamilton upon the Law and political Aspect of the Question—Burr in opposition.

An election of Governor in the State of New York took place in 1792, the candidates being Governor Clinton and John Jay, the latter having been nominated by "those who believed that the interests of the State were endangered by the policy and conduct of Governor Clinton," and that the general government should be sustained in its endeavour to carry out the principles of the constitution. After the election and under the existing law, it was the duty of the sheriffs of the different counties, to send the ballots to a board of canvassers, appointed by the Legislature of the State, who were to examine and count them and declare the result. A majority of all the votes cast was returned for Mr. Jay; but the board of canvassers, a majority of whom were friends of Mr. Clinton, made a ground of objection to the votes of Otsego and Tioga counties, which, if sustained, would cause them to be rejected. The case in reference to Otsego county is related clearly in a letter of Robert Troup to John Jay, May 20, 1792.*

"In February 1791 A. B. was appointed Sheriff of that county to hold his office for one year. A short time before the expiration of his year he wrote to the Council of appointment declining a reappointment. About thirty days after the end of his year the Council appoint C. D. Sheriff of the County, but the commission

* *Correspondence of John Jay*, iii., 424.

is never delivered to him nor does he in any one instance take upon himself the execution of the office. It is said, and I believe with truth, that the reason why C. D. did not take upon himself the office is that he could not obtain the security required by law. In this state of things the old Sheriff continued to act as Sheriff, and after the election he received the ballots from the different towns, put them into a box as the law directs, and sent them by a deputy to the Secretary's office. The votes of one of the towns instead of being put into the box were left out of it and sent down under a paper cover. The law requires that the votes of every town shall be put into the box.

"Upon this state of facts the Livingstons contend that A. B. was not Sheriff at the time of putting the ballots into the box or afterwards, and consequently that he had no right to send the box to the Secretary's office. They also contend that the votes of one town being left out of the box, all the other votes of the County must be lost. After there had been a considerable stir in town about the Otsego votes, Ned. Livingston, to my very great surprise, waited upon me with a written case in substance as above, and asked me if I had any objections to giving an opinion upon it. At first I was struck with the indelicacy of the application, and of my giving an opinion upon a subject in which my feelings were so much concerned. I replied however that he should have my opinion, and my reason for making this reply was a conviction that their views were corrupt and therefore that it would be right in me to counteract them if I could possibly do it. Before Ned left me he had the modesty in almost plain terms to tell me that I should not meet with any difficulty, he was persuaded, in deciding against the votes, upon both the points raised to me. The moment Ned went away I got down and examined the questions with the closest attention, and soon satisfied myself from the books that A. B. was Sheriff at the time of putting the ballots into the box and afterwards, and that he was legally entitled to send the box to the Secretary's office.* As to the other question, it appeared too absurd to admit of reflection.

* *Life of John Jay*, by Wm. Jay. "So little had the propriety of sheriffs, in such cases, continuing to act after the expiration of their commissions, been questioned, that on an investigation it was found that, since the organization of

"I was pressed for my opinion the next morning and I gave it to Ned plumply against him upon both points. The opinion threw the party into consternation. A Cabinet Council of the Governor, the Chancellor, Ned, Brockholst, &c. was immediately called. Soon afterwards Brockholst went about like a madman vociferating against the legality of the return of the Otsego votes and roundly asserting that there was not a Lawyer out of this State that would give an opinion that the votes were legally returned. . . .

". . . Since my opinion has been a subject of conversation, I got King & Benson to come and spend an evening with me that we might examine the case. We accordingly examined the law together, and they are both clearly with me. So is Mr. Jones, Mr. Harrison and Mr. Hoffman. . . . Out of the 12 canvassers we have but three friends . . . and the leaders of the opposite canvassers are prepared for anything."

In a subsequent letter, Mr. Troup says, June 10th* :

"Some days ago the Canvassers referred the question respecting the Otsego votes and some question respecting those of Clinton & Tioga Counties to Burr and King (U. S. Senators) for their opinions. This reference was understood by us all as intended to cover their villainy in rejecting the votes of Otsego. They knew Burr to be decidedly with them, and that would give them an opinion to justify their views. Burr and King were conferring together for near two days with a view to fairness (?) as Burr affected to wish.

"The quibbles and chicanery he made use of are characteristic of the man. They finally departed, and have given opinions directly opposite to each other. King's is bottomed upon sound legal and political principles ; Burr's is a most pitiful one and will damn his reputation as a Lawyer."

Mrs. Jay writes, June 11, 1792† :

the government, no less than 70 instances had occurred of sheriffs thus holding over, and in one instance a sheriff thus circumstanced had been called in the discharge of his office to execute a criminal."—i., 288.

* *Jay's Correspondence*, iii., p. 427.

† *Ibid.*, p. 432.

"Well, my dear Mr. Jay, the Canvassers have taken upon them to give the people a Governor of *their* election, not the one the people preferred. . . . People are running in continually to vent their vexation. Poor Jacob Morris looks quite disconsolate. King says he thinks Clinton as lawfully Governor of Connecticut as of New York, but he knows no redress."

Mr. King's opinion to the Canvassers was in these words:

"Otsego. It may be inferred, from the constitution and laws of the State, that the office of Sheriff is held during the pleasure of the Council of Appointment, subject to the limitation contained in the 26th section of the constitution. The sheriff may therefore hold his office for four years, unless within that period a successor shall have been appointed, and shall have entered upon the execution of the office. The term of four years from the appointment of R. R. Smith not having expired, and B. Gilbert not having entered upon the execution of the office before the receipt and delivery of the votes by R. R. Smith to his deputy, I am of opinion that R. R. Smith was the lawful sheriff of Otsego.

"This opinion is strengthened by what is understood to be the practice, namely, that the office of sheriff is frequently held for more than a year under one appointment.

"R. R. Smith's giving notice to the Council of Appointment of his disinclination to be reappointed, or his acting as supervisor, cannot in my opinion, be deemed a resignation or surrender of his office.

"Should doubts, however, be entertained whether R. R. Smith was *lawfully* Sheriff when he received and delivered the votes to his deputy, the case contains facts which in another view of the subject are important. It appears that R. R. Smith was appointed sheriff of Otsego on the 17th of February, 1791, and afterwards entered upon the execution of his office; that no other person was in the execution of, or claimed the office after the date of his appointment, and before the time when he received and delivered the votes of the county to his deputy; that during that interval R. R. Smith was sheriff, or the county was without a sheriff; that R. R. Smith, during the election, and when he received and delivered the votes to his deputy, continued in the actual exercise

of the shrievalty, and that under the colour of a regular appointment. From this statement it may be inferred, that if R. R. Smith, when he received and delivered the votes to his deputy, was not *de jure*, he was *de facto* sheriff of Otsego.

"Though all the acts of an officer *de facto* may not be valid, and such of them as are merely voluntary and exclusively beneficial to himself are void ; yet such acts as tend to public utility, and such as he would be compellable to perform, such as are essential to preserve the rights of third persons, and without which they might be lost or destroyed, when done by an officer *de facto*, are valid.

"I am therefore of the opinion, that admitting R. R. Smith when he received and delivered the votes to his deputy, was not *de jure* sheriff, yet he was *de facto* sheriff ; and that his receiving and delivering the votes being acts done under colour of authority, tending to public utility, and *necessary* to the carrying into effect the rights of suffrage of the citizens of that county, they are and ought to be deemed valid ; and consequently the votes of that county may lawfully be canvassed."

The remaining part of this opinion relates to the votes of Clinton and Tioga counties, the counting of which was objected to on grounds in which Messrs. Burr and King virtually agreed, though in reference to the latter, whether a deputy of the sheriff may appoint a deputy to perform his duties, while admitting that the right is questionable, Mr. King says: "The election law is intended to render effectual the constitutional right of suffrage ; it should therefore be construed liberally, and the means should be in subordination to the end."

Mr. Burr's opinion is as follows in reference to Otsego County.*

"Otsego. The duration of the office of sheriff in England having been limited by statute to one year, great inconveniences were experienced, as well by suitors as by the public. To remove which it was thought necessary to pass an act of Parliament. The

* Davis's *Memoirs of A. Burr*, 1836, i., p. 339.

statute of 12 Ed. iv., ch. 1, recites at large these inconveniences, and authorizes the sheriff to execute writs in the term of St. Michael, before the delivery of a writ of discharge, notwithstanding the expiration of the year. The authority given by this statute being to execute only certain specified duties, the remedy was not complete and another statute* was soon after passed, permitting sheriffs to do every act pertaining to the office, during the term of St. Michael and St. Hilary, after the expiration of the year, if not sooner discharged. The practice in England appears to have been conformable to those statutes, though the king did pretend to dispense with them by force of the royal prerogative. . . . None of the statutes of England or Great Britain continued to be the laws of this State after the first of May, 1778. So that at present there remains no pretence for adopting any other than the obvious meaning of the constitution, which limits the duration of the office to one year, beyond which the authority to hold cannot be derived from the constitution, the appointment, or the commission. If inconveniences arise, remedies can be provided *by laws only*, as has in similar cases been done in England, deciding on legal principles; therefore, the appointment and commission, and with them, the authority of Mr. Smith must be deemed to have expired on the 18th of February.

"Yet there are instances of offices being exercised by persons holding under an authority apparently good, but which, on strict legal examination, proves defective; whose acts, nevertheless, are, with *some limitations*, considered as valid. This authority is called *colourable*, and the officer in such cases is said to be an officer *de facto*; which intends an intermediate state between an exercise strictly lawful and one without such colour of right. Mr. Smith does not appear to me to have holden the office of sheriff on the 3d of May under such colour or pretence of right. The term of his office had expired, and he had formally expressed his determination not to accept a reappointment; after the expiration of the year he accepted, and even two days before the receipt of the ballots, openly exercised an office incompatible with that of sheriff; and it is to be inferred, from the tenour of the affidavit, that he then knew of the appointment of Mr. Gilbert. Mr. Gil-

* 2, Hawks, 5, 57, Irish Oct. Edit., 2 Mod.

bert was qualified in season to have discharged the duty, and, for aught that is shown, his attendance, if really desired, might have been procured still earlier.

"Upon all the circumstances of this case, I am of opinion :

"1st. That Mr. Smith was not the Sheriff of Otsego when he received and forwarded the ballots.

"2d. That the ballots delivered by the deputy of Mr. Smith cannot legally be counted.

"The direction of the law is positive, that the sheriff shall put all the enclosures into one box. How far his inattention or misconduct in this particular shall be deemed to vitiate the ballots of a county, appears to be left to the judgment of the Canvassers. Were the ballots of this county subject to no other exception than that stated in the third and fourth questions, I should incline to think it one of those cases in which the discretion of the canvassers might be safely exercised, and that the ballots contained in the boxes might be legally canvassed ; those in the separate package do not appear to be subject to such discretionary power ; the law does not *permit* them to be estimated. But the extent to which this power might be exercised in cases similar in kind, but varying in degree, cannot be precisely defined. Instances may doubtless be supposed, in which sound discretion would require the whole should be rejected."

The close of the opinion relates to the cases of Clinton and Tioga counties.

In a letter to Mr. De Lamater (a Federalist), June 15, 1792,* Mr. Burr says :

". . . Some questions having arisen among the canvassers respecting the returns from Clinton, Otsego and Tioga, they requested the advice of Mr. King and myself. We conferred, and, unfortunately differed ; particularly as to the questions upon the Otsego return. I therefore proposed that we should decline giving any opinion, being for my own part averse to interfere in the business. Mr. King, however, determined to give his separate opinion, from what motives you may judge. This laid me under

* *Memoirs of Aaron Burr*, Davis, i., 358.

the necessity of giving mine also, which I did. . . . I earnestly wished and sought to be relieved from the necessity of giving my opinion, particularly from a knowledge that it would be disagreeable to you and a few others whom I respect and wish always to gratify. But the conduct of Mr. King left me no alternative. I was obliged to give an opinion, and I have not yet learned to give any other than that which my judgment directs. It would, indeed, be the extreme of weakness in me to expect friendship from Mr. Clinton.* I have too many reasons to believe that he regards me with jealousy and malevolence. Still, this alone ought not to have induced me to refuse my advice to the canvassers. Some pretend, indeed, but none can believe, that I am prejudiced in his favour."

Four of the canvassers protested in vain against the action of the majority, and on January 18, 1793, the House of Assembly, by a vote of thirty-five to twenty-two, decided that "it did not appear to that House that the majority of the Canvassers had been guilty of any mal or corrupt conduct in the execution of the trust reposed in them by law; and that as the determination of all questions relating to the canvass and estimate of the votes was committed to them, it is the sense of this House that the Legislature cannot annul or make void any of the determinations of the said committee."

It may well be supposed that there was a very strong feeling of dissatisfaction on the part of the friends of Mr. Jay, with the decision of the canvassers, and even a disposition to resist by some positive action the carrying it out. The following letters from Mr. Hamilton to Mr. King will show the state of public feeling, which was, however, finally quieted down by the wiser counsels of the leading friends of Mr. Jay and by his own ready and entire acquiescence in the result, unfair and unjust as it was.

* On October 2, 1792, Governor Clinton nominated Colonel Burr to the Council of Appointment as Judge of the Supreme Court of the State, which nomination was immediately confirmed.—*Memoirs of Aaron Burr*, i., 358.

A. HAMILTON TO R. KING.

PHILADELPHIA, June 28, 1792.

MY DEAR KING :

I have not, as you well may imagine, been inattentive to your political squabble. I believe you are right (though I have not accurately examined) but I am not without apprehension that a ferment may be raised which may not be allayed when you wish it. 'T is not to be forgotten that the opposers of Clinton are the real friends to order and good Government, and that it will ill become them to give an example to the contrary.

Some folks are talking of Conventions and the Bayonet. But the case will justify neither a resort to such principles nor to violence. Some Amendments of your election law and possibly the impeachment of some of the canvassers who have given proof of *premeditated* partiality will be very well : and it will answer good purposes to keep alive within proper bounds the public indignation. But beware of extremes !

There appear to be no *definite declared* objects of the movements on foot which renders them the more ticklish. What *can* you do ? What do you *expect* to effect ?

Yrs. affectly.,

A. HAMILTON.

In R. King's handwriting on the opposite page is the following :

" I have had no agency in promoting the measures adopted respecting the decision of the Canvassers. I have however felt the utmost indignation."

A. HAMILTON TO R. KING. *

" July 25, 1792.

" MY DEAR SIR :

" I received lately a letter from you, in which you expressed sentiments according with my own, on the present complexion of your party politics, as, if a letter of mine to you did not miscarry, you will have seen. I wished that Clinton and his party should be placed in a just light before the people, and that a spirit of

* In answer to one from Rufus King not found.

dissatisfaction, within proper bounds, should be kept alive ; and this for national purposes, as well as from a detestation of their principles and conduct.

"But a resort to first principles, in any shape, is decidedly against my judgment. I don't think the occasion will, in any sense, warrant it. It is not for the friends of good government to employ extraordinary expedients, which ought only to be resorted to in cases of great magnitude and urgent necessity. I reject as well the idea of a convention as of force.

"To rejudge the decision of the canvassers by a convention, has to me too much the appearance of reversing the sentence of a court by a legislative decree. The canvassers had a final authority in all the forms of the Constitution and laws. A question arose in the execution of their office, not absolutely free from difficulty, which they have decided (I am persuaded wrongly) but within the power vested in them. I do not feel it right or expedient to attempt to reverse the decision, by any means not known to the *Constitution or laws*. The precedent may suit us to-day ; to-morrow we may see its abuse. . . ."

A. HAMILTON TO R. KING.

July 27, 1792.

Desirous of examining accurately the question decided by the Canvassers. I will thank you for a minute of all the authorities which were consulted by you when you gave your opinion.

Yrs. truly,

A. H.

I shall be glad to have them as soon as may be.

* *Works of Hamilton*, v., 514.

CHAPTER XXIV.

Mr. Hammond sent by Great Britain as Minister Plenipotentiary to the United States—Mr. T. Pinckney sent in the same Capacity to Great Britain—And Mr. Gouverneur Morris to France—Objections to his Appointment—Speeches in the Senate—Propositions to purchase the Debt to France with Assignats—Washington's Re-election—Burr's Pretensions—Whiskey Insurrection in Pennsylvania—Affairs in France—Dethronement and Imprisonment of the King—Letters of R. King, G. Morris, and J. Adams.

The commercial relations between the United States and the European countries were very unsettled, while the importance of the nation was increasing. Great Britain had sent,* towards the end of 1791, Mr. Hammond as a Minister Plenipotentiary to the United States. France, with her internal affairs much disturbed, had also a minister, Mr. Ternant, with limited powers, while this country was represented in Paris by Mr. Short, who had there carefully and faithfully watched over the affairs of the United States. It having been decided that the best interests of the country required that representatives of the same rank as those of Great Britain should be appointed, the President proposed at first the nomination of Mr. T. Pinckney, as Minister Plenipotentiary to London, and upon his assurance that he would accept, sent in to the Senate with his the name of Gouverneur Morris as Minister Plenipotentiary to France, and that of Mr. Short as Minister Resident to the Hague. In a letter to Mr. Pinckney, January 17, 1792, † Mr. Jefferson says: "Some members of the Senate apprehending they had the

* Jefferson's *Works*, iii., p. 329.

† *Ibid.*, iii., p. 321.

right of determining on the *expediency* of foreign missions, as well as on the *persons* named, took that occasion of bringing forward the discussion of that question, by which the nominations were delayed two or three weeks." He also says, p. 329, Mr. Morris's "appointment was extremely unpopular, and so little relished by several of the Senate, that every effort was used to negative it. Those whose personal objections to Mr. Morris overruled their deference to the President, finding themselves a minority, joined with another small party who are against all foreign appointments, and endeavored with them to put down the whole system rather than let this article pass. This plan was defeated and Mr. Morris passed by a vote of 16 against 11."

Mr. Morris, who was at this time in England, wrote to Robert Morris, February 15th, acknowledging the honor conferred on him by the nomination, and spoke of the mischievous consequences of delay in confirmation, as weakening the influence of the minister should he be appointed. It was not until March 20th that he received the information of his appointment, which had been sent on January 23d.

These observations have been made to explain the portion of the manuscript account of the debate in the Senate which follows, and which gives the reasons that influenced the votes of several of the leading members of that body, and because in Mr. Morris's letter to Mr. King, he says that he was "considerably indebted to you [him] for effecting that appointment." *

GOUVERNEUR MORRIS'S APPOINTMENT TO FRANCE. †

Speech of Mr. Sherman.

Some observations respecting Mr. Morris' appointment having been already made, I shall explain the reasons why I shall not vote for his appointment, and that I may not be misunderstood I

* *Life and Writings of G. Morris*, ii., p. 164.

† Manuscript of Rufus King.

shall class my remarks under two heads, one having respect to Mr. Morris' natural capacity, & the other his moral character.

I ought in the first place to observe, that I bear Mr. Morris no ill will—I have personally known him for several years ; I have served with him in Congress, & was with him in the Convention of 1787. I have never been borne down by his superior Talents, nor have I experienced any mortifications from the manner in which he has treated me in debate. I wish him and all mankind holy and happy. I allow that he possesses a sprightly mind, a ready apprehension, and that he is capable of writing a good letter and forming a good Draft. I never have heard that he has betrayed a Trust, or that he lacks integrity—indeed I have not known him in any individually responsible station—In the State Legislature, in Congress, & in the Convention of 1787, he was one of many, and in the office of Finance his principal was responsible, and nothing for or against him can be inferred from these stations.

With regard to his moral character, I consider him an irreligious and profane man—he is no hypocrite and never pretended to have any religion. He makes religion the subject of ridicule and is profane in his conversation. I do not think the public have as much security from such men as from godly and honest men—It is a bad example to promote such characters ; and although they may never have betrayed a trust, or exhibited proofs of a want of integrity, and although they may be called men of honor—yet I would not put my trust in them—I am unwilling that the country should put their Trust in them, and because they have not already done wrong, I feel no security that they will not do wrong in future. General Arnold was an irreligious and profane character—he was called a man of honor, but I never had any confidence in him, nor did I ever join in promoting him. I remember he sued a man at New Haven for saying he had the foul disease—and it was urged that the Jury should give heavy damages, because Arnold was a man of honor and high-minded—but this same Arnold betrayed his Trust when he had an opportunity and would have delivered up the Commander in chief & betrayed his country. And the like has happened from other such characters ; and I am against their being employed and shall therefore vote against Mr. Morris.

Monroe. His manners not conciliatory—his character well known & considered as indiscreet—upon the grounds of character he was twice refused as a Member of the Treasury board, once at Trenton & afterwards at New York—Besides he is a monarchy man & not suitable to be employed by this country, nor in France. He went to Europe to sell lands and Certificates.

Burr. I merely state a fact. It has been asserted and without any injunction of secrecy, that Mr. Morris conducted himself so offensively in his intercourse with the Eng. Ministers, that they were offended & refused, after an abrupt breaking up of an interview, to renew it. ✓

VOTE ON GOV. MORRIS'S APPOINTMENT TO PARIS.

<i>Ayes.</i>	<i>No.</i>
N. H. Langdon	Wingate N. H.
R. I. Foster	Strong Mass.
Con. Ellsworth	Cabot same
N. Y. King	Stanton R. I.
N. J. Rutherford	Sherman Con.
N. I. Dickinson	Burr N. Y.
Penn. Morris	Robinson Vermt.
Del. Read	Monroe Virg.
Del. Basset	Lee
Mard. Henry	Few Georg.
Mard. Carroll	Gunn same—11.
N. C. Johnson	
N. C. Hawkins	Govr. Morris Appt.
S. C. Izard	Min to France
S. C. Butler—16	Jany. 1792

GOUV. MORRIS TO R. KING.

LONDON, April 6, 1792.

MY DEAR SIR :

I have received this day My Credentials to the Court of France and am pleased to find that I am considerably indebted to you for effecting that appointment. It is true that a Sense of Obligation is not generally agreeable, but when a Favor received serves to strengthen the Connections we wish to preserve, and

unite us to the deserving few with whom we wish to live, it never fails to excite the most pleasing Emotions. The fortifying System has nearly pass'd away as a Fashion in the Military World, but I observe that it still prevails in political Life; so that the Virtue which scorns to intrench itself in Gravity and Form, but comes naked into the Battle, is soon driven off and perhaps with Shame. Some respected Citizens are not acquainted with the Goddess, and others fear to be seen in her Company, lest Suspicion should light on a connection which Suspicion could never form. Well, Peace be with them and since it is necessary, we will ev'n dress ourselves like other Folks, that so Prudery may not be scandaliz'd, nor Deformity offended. I think if you and I should chance to grow old and converse together, it will be no small Consolation to reflect that those Measures which have rendered our Country great and happy were carried in Spite of the Opposition of our Enemies, whom we have pitied without Contempt tho' they hated without cause.

As I have no doubt that you urged my Appointment with a View to the public Service, it is incumbent on you to comply with my Request to be favor'd with your Correspondence. If I have not *good* Information and *early* Information I can do little or nothing. You will easily conceive that a Minister who knows not those affairs of his country which are known to many others, is plac'd in an awkward Situation: besides there is always a kind of Traffic in Articles of Intelligence among the Members of the Diplomatic Body, in which Beads and Wampum are sometimes given in Gold to the Satisfaction of both Parties. It happens also not unfrequently that by knowing good or bad Tidings before any one else, we can make the most of the one and obviate the worst of the other. For Instance, in poor Sinclair's Defeat, it might have been so handed out to the Public as to have look'd like nothing; and if a horrible Account had afterwards been publish'd by our Enemies, most People would not have been at the trouble of reading it. On the other Hand, some of those Gambling Operations in the Stocks, which, however they may prejudice the Fortune, or even Morals of Individuals, are clearly demonstrative of the public prosperity, and of the Energy, Authority and Stability of Government—these I say may be so stated, occasionally as to give a just Idea of our Importance to

those numerous Idlers, whose Pursuit of Knowledge rarely extends beyond a Newspaper Paragraph, and yet this great Herd have more Influence on national Councils than is generally imagined, and especially in France, where everything is talked of and hardly anything is understood. Lastly, it may happen that, from ignorance of the real state of things, a Minister may give up what his Country would wish to retain or pursue what they would not acquire. You will tell me perhaps that there is a public Office for the Transmission of Intelligence and that it is true, but the same object strikes different People in a different way. A Load of unexpected Business may distract the attention of that Office, or Letters may be lost or long delay'd ; in Short, considering the Distance and other Circumstances, Accident may often obstruct, or Design totally stop that Channel of Communication. But why do I enter into Detail ? You will see it All, and more, at a single glance. You will see my Solicitude, and you will believe I hope in the Sincerity of my Regard.

I am very truly yours,

GOUVR. MORRIS.

C. GORE TO R. KING.

BOSTON, May 22, 1792.

MY DEAR FRIEND :

. . . The United States owe to France nearly six millions of dollars.—I have supposed this debt might be purchased of France for the like sum of their assignats, which are at a discount of forty per cent.—The government of this country would not, probably, think proper to make the attempt for its own emolument. The deranged situation of the affairs of that kingdom, & their want of money to support the credit of their paper currency, render it not improbable that they would be willing to part with their demands against America for the amount in their own paper.—Unless the government of the U. S. chose to avail itself of this state of things, a transfer of the debt to other hands could not injure America. Under this impression I have thought that a company might be form'd in this country, who should authorize some person to repair to Europe, & there connect himself with some able, solid, & prudent people, who might provide funds for

the payment to France & make engagements with that kingdom to transfer the demand to the purchasers on making the payments—If there is no political objection to the plan, I think the measures may be so adopted that no other risque need be feared, than the loss of a sum necessary to defray the expences of that person who may undertake the operation in Europe in case his endeavor shou'd be unsuccessful. Now, my friend, if you think a thing of this kind feasible, safe, and without objections, should you like to be concerned in it—at present the only persons that have conversed on this subject are J Coffin Jones & myself—the company may be formed of such men & under such regulations as will ensure ag't all loss, but a very limited one, and all hazards of improper conduct—I will with pleasure meet you in New York or elsewhere to make any arrangements on this subject—if the thing should meet your ideas of propriety & advantage. If it is presumable the government is taking any steps to avail itself of this situation, I have no wish to interfere, but if not, I think if an able & prudent man can be found to undertake the business in Europe, large property may be made & no one injured—Let me hear from you soon & believe me very sincerely your friend, *

C. GORE.

R. KING TO GOUVR. MORRIS.

1st Sept., 1792.

SIR :

X I presume you are furnished with our newspapers and with the Journals of Congress. From them you will be able to form a pretty good opinion of the State of parties here. The Gazette of the U. S. published at Philadelphia by Fenno is on our side, and the National Gazette, published at the same place by Freneau, a clerk in Jefferson's office, is on the other. In this paper every measure of the Government is censured, and if you believe the accounts it published, the country is generally dissatisfied. The contrary, however, is the Truth. We are and have reason to be, the happiest people in the world. Our Government is established, it performs as much as its friends promised, & its administration has evidently advanced the prosperity of our Citizens.

* Endorsed : " Ansd. that two attempts having already been made, I doubted the expediency of a third. R. K., Sunday, May, 1792."

The opposition, that now exists, arises from other principles than those which produced an opposition to the Constitution, and proceeds from the Rivalry, which always has & will prevail in a free country.

The Revenues are abundant and are collected with unexampled fidelity; the branch called excise will soon be productive. The Northern States are satisfied with this Tax and new Distilleries are building for the distillation of Corn & Fruit. This Tax has been complained of in the back counties of Pennsylvania, Virginia & The Carolinas, but as the law is better understood, objections are overcome, and, by the mild and steady measures of Government, all opposition will soon disappear. Add to this, the Tax will work a reform in these Districts, since it will destroy a great many small Distilleries and make the business a branch of Labor, instead of being, as it hitherto has been, a ruinous employment pursued by every family.

The national judiciary without having been much employed, has been the means of settling a large proportion of our foreign Debts. From the Potomack east, nothing remains to be settled. In South Carolina, where immense sums were due, they are doing well, and in a few years will be in a very prosperous condition. Virginia will be the last to do, what her own interest required her long since to have performed. ✓

The settlement of our new lands is only equalled by the increase of our population. You hear of companies formed & forming in all the States for the improvement of our inland navigation, and thus the most distant lands will become almost as valuable as those nearest to our principal markets. Our Commerce & navigation continue to increase & what is of still more consequence, the capital employed is in a good degree an American, instead of a British one. The sound State of public credit, and the Establishment of Banks, have already given aids to commerce, and will soon afford assistance to manufactures & agriculture. The National Bank has established branches at Boston, New York, Baltimore, Richmond & Charleston, and will go on to place others in such situations as will best promote their own & the public interest. The facilities which this institution gives to Trade, and to the collection of the Taxes, is generally acknowledged, and, by establishing a connexion in Holland & London,

(which is in contemplation) it may deal profitably in exchange as well as place itself in a situation to avoid the Dangers, to which Banks are exposed by the exportation of Coin.

Though we are preparing a respectable force to oppose the Indians, still we have taken every measure to conclude a peace; and, from the character of the Agents engaged in this business, there is reason to expect success. At any rate we shall make no campaign this year,—the season will be spent in disciplining the Army, and in efforts to establish Peace. The Frontiers are quiet, and well guarded against incursions. Washington & Adams will be rechosen this winter—the first without opposition; whether the opponents of Mr. Adams will combine their opposition, I consider as uncertain. Should this be the case Clinton will be their man.

We are in a singular situation respecting our Governor. A majority of the votes at the late Election was given to Mr. Jay—a majority of the Canvassers rejected the votes of three Counties under the pretence of a Defect in the Form of the Return & declared Mr. Clinton elected. The minority of the Canvassers protested, and it is very probable that a majority of the State disapprove of the Decision of the Canvassers. The Legislature will meet in November, and it will be attempted to procure a Resolve for the calling of a convention for the sole purpose of annulling the canvassers' Decision, and ordering a new election. Mr. Clinton qualified, and is in the exercise of the Office.

Thus, my dear Sir, I comply with the proposal that you made me in your letter from London, (Apl. 6th) and give you an outline of our situation. I will hereafter do more, by furnishing you with those incidents which from time to time may occur, and which may serve to explain the views of the persons engaged in our public affairs. Our information respecting France comes principally through England and is so confused and coloured, that we are unable to form a rational opinion of their affairs. You are in the best possible situation to obtain, & give exact intelligence, and you will do me a favor to gratify me on this subject.

With much esteem &c

RUFUS KING.

The decision of Washington not to decline a re-election removed the question of competition for the first office, and gave encouragement to those who thought the Vice-Presidency within their reach. Mr. Burr was among these, and his chances were supposed to be greater in consequence of an apparent growing weakness of Governor Clinton in New York, as manifested in the last election. Intimations of his designs excited serious alarm among the Federalists. One of them (R. King) wrote to Hamilton 17th September, 1792: "If the enemies of the government are secret and united, we shall lose Mr. Adams. Burr is industrious in his canvass, and his object is well understood. Dallas informs me that he will be supported in Pennsylvania. Should Jefferson and his friends unite in the project, the votes for Adams may be so reduced that, though more numerous than those for any other person, he may decline the office. Nothing which has heretofore happened so decisively proves the inveteracy of the opposition." *

In answer to this letter we have the following:

A. HAMILTON TO R. KING.

Sept. 23, 1792.

MY DEAR SIR :

Though I had had a previous intimation of the possibility of such an event, yet the intelligence contained in your letter of the 17th surprised me. Even now I am to be convinced that the movement is anything more than a diversion in favour of Mr. Clinton. Yet on my part it will not be neglected. My attention as far as shall be in any degree safe will be directed to every State South of New York. I do not go beyond it, because, I presume, other influences would be quite as efficacious there as mine.

A good use of it will be made in this State. I wish a letter could be written here, stating the plan and Mr. Dallas' assertion affecting Pennsylvania, which could be made use of without reserve. You will know who could write such a letter, and of course, to whom it might be addressed. Mr. Lewis would be

* *Life of A. Hamilton*, by I. C. Hamilton, v., p. 89, Boston, 1879.

the most proper person to be written to. This is a matter of importance and, if practicable, no time should be lost.

I wrote Mr. Jay a long letter, which I fear reached New York after he had set out on the Circuit, informing him that I had concluded to advise a proclamation, and my reasons for it, which included some material facts not before communicated. I have not leisure to repeat. The Proclamation has been signed by the President * and sent to Mr. Jefferson for his countersignature. I expect it here on Tuesday, and have taken correspondent measures. I believe all is prudent & safe.

Yrs. truly & affect.,

A. HAMILTON.

In order to provide ample revenue for the new government, Congress had passed a law taxing among other things the distillation of spirits. This law met with much opposition, and the collection of the tax was resisted especially in North Carolina and Western Pennsylvania. So open and undisguised was the resistance in the latter, that the officers were not only defied but threatened with personal violence should they attempt to collect the tax or even accept the office of collector. The leading and intelligent men of that section fomented the difficulty, thus covering a political desire to embarrass the government, and in August, 1792, at a convention of four adjoining counties held at Pittsburg, they caused resolutions to be passed denouncing the excise law and avowing a determination to prevent its execution. The combination thus formed and the open attack upon the authority of the government rendered it necessary to take some positive steps to restore that authority, one of which was the issue of a proclamation by the President, warning these disturbers of the public peace to desist from their unlawful acts, and directing the magistrates to cause the arrest and punishment of those who were breaking the law. The advice of the leading supporters of the adminis-

* Sept. 15, 1792, against those obstructing the operation of the laws for raising revenue on distilled spirits.

tration was sought for before this step was taken, and among others called upon was Mr. King.

Mr. Hamilton, Secretary of Treasury, on the 3d September, 1792, wrote to Mr. Jay, * stating that "the incidents in the Western parts of this State (Pennsylvania) announce so determined and persevering a spirit of opposition to law, as in my [his] opinion to render a vigorous exertion of the powers of government indispensable. . . . There is really, My dear Sir, a crisis in the affairs of the Country which demands the most mature consideration of its best and wisest friends. I beg you to apply your most serious thoughts to it, and favour me as soon as possible with the result of your reflexions. Perhaps it will not be amiss for you to converse with Mr. King. His judgment is sound: he has caution and energy. Would a proclamation from the President be advisable, stating the criminality of such proceedings, & warning, &c."

J. JAY TO A. HAMILTON.†

"Sept. 8, 1792.

"I have conferred with Mr. King upon the subject of your letter of the 3rd inst. We concur in opinion that neither a proclamation, nor a *particular* charge by the court to the grand jury (a course which had been suggested) would be advisable at present. To us it appears more prudent that the business be opened by the President's speech at the ensuing session of Congress; their address will manifest the sense of the House, and both together operate more effectually than a proclamation."

The letter continues with reasons why such a course might be more prudent, but says: "If in the meantime such outrage should be committed as to force the attention of government to its dignity, nothing will remain but to obey that necessity in a way that will leave nothing to hazard."

On the 8th of September, however, before the above reached him, the Secretary, with the advice of Messrs.

* *Corr., &c., of J. Jay*, N. Y., 1891, iii., 446.

† *Corr. J. Jay*, iii., 448.

Knox and Randolph, then in Philadelphia, had decided that it was advisable to issue a proclamation, and sent to the President a draft of the same, which was signed by him on September 15th, and attested by the Secretary of State, Mr. Jefferson. Notwithstanding this, the resistance to the law continued very persistent, and was not finally checked until after a vigorous military expedition into the region, the arrest of the leaders, and the dispersion of those combined together.

R. KING TO MR. SOUTHGATE (PROBABLY.)

NEW YORK, Sept. 30, 1792.

DEAR SIR :

It may not be amiss to apprise you that great pains will be taken to remove our Friend Mr. Adams and among others that my Colleague Mr. Burr is very industriously making interest for the Office. It is for no good that any support can be given to the project of Mr. Adams' degradation ; there are however some even among you who would be pleased with the event. I have said enough and can readily conceive what must be your feelings on this subject.

One word respecting your interest. I remember that you have a cause in the Federal Court that has been delayed for want of Judges to form a court. Wilson & Iredell go to the Eastern Circuit. I have heard that Wilson casually observed (when here on his way to Connecticut where he now is) that he should not go further East than Boston ; & that Mr. Iredell only wd. go to New Hampshire, Mr. Wilson having it in view to return in order to go to Europe this Fall.

I give you this information that you may take measures when Wilson arrives at Boston to induce him to come to Portsmouth. By a vessel which brings us very late accounts from Europe, it appears that the affairs of France grow worse and are almost desperate. On the 10th of August the King was suspended & confined to take his Trial on the 26th of Sept. The Mob attempted on the day of his suspension to break into the Palace—they were opposed by 700 Swiss Guards, who after killing great

numbers of the Mob, were all massacred by the populace, who threw down all the royal Statues, plundered the Palaces and effaced every vestige of Royalty. The King and royal Family early in the Tumult escaped to the National Assembly. The Austrians and Prussians had determined to enter France on the 16th day of August, so that our next information must be very interesting. With sincere attachment

I am, dear Sir, your ob. Ser.,
RUFUS KING.

R. KING TO J. ADAMS.

NEW YORK, Sept. 30, 1792.

DEAR SIR :

By accounts from England as late as the 23d of August, we learn that on the 10th of that month the National Assembly suspended the King, removed the Ministry, & took on themselves the executive powers. They have since decreed that the primary assemblies should meet on the 26th of August, to appoint deputies to a national Convention to be convened on the 20th of September for the purpose of deciding on the forfeiture of the crown, & prescribing the manner in which the executive powers should in future be executed.

Towards the close of the day on which the King was suspended the mob demanded to repeat the transactions of the 20th June, they were opposed by 700 Swiss who were about the Royal family, the mob prevailed having armed themselves with cannon from the arsenals, they massacred the Swiss guard, plundered the palace, overturned the statues of their former Kings, & effaced every vestige of Royalty. The King & royal family, early in the tumult, escaped through a garden to the national assembly, from whence they were removed by a decree, to the Temple, a building detached & surrounded by a wall. The custody of the King & royal family is given to Petion, the Mayor of Paris.

We have no account from the army since this bloody transaction. All accounts concur that the Austrians & Prussians would enter into France about the middle of August ; so that our next intelligence will be pretty decisive respecting this revolution conducted with so much barbarity & ignorance.

From the state of the affairs of Poland towards the end of July, it is probable that the Poles have been compelled to abandon their constitution, & to return under their former government.

England it would seem is not inclined to interfere, since the Parliament which stood prorogued to the last of August, has been further prorogued (since the affair of Paris) to the last of November.

With great respect, I am &c

RUFUS KING.

JOHN ADAMS TO R. KING.

QUINCY, October 11, 1792.

I am very much obliged, Sir, by your kind Letter of the 30th of Sept. and for the important Intelligence contained in it.

There is such a complication of Tragedy, Comedy and Farce in all the accounts from France, that it is to me to the last degree disgusting to attend to them in detail. I read over the accounts in general and then endeavour to divert my own attention from any very serious, which must be very melancholy, reflections upon them. It is most of all astonishing that sensible Men should not have foreseen all that has happened. The demolition of the Royalty is so natural and necessary an Effect of their Constitution, that it can be of no surprize. It is however matter of very sober concern to us, that there should have been in America from the beginning so blind, undistinguishing and enthusiastic an admiration of every Thing that has been done by that light airy and transported People. I pretend not to any very particular knowledge of Individual Characters, or conflicting Parties in France, but the Jealousy in the Duke of Orleans, of the Noailles Family is so apparent, that it will account for most that has happened.

Every virtuous and enlightened Citizen will mourn over the misfortunes of Poland; but the qualities necessary to erect and support and defend a free Constitution of Government are not easily inspired into an old corrupted Nation.

The People in this Part of our Union are as cool and as easy as ever I knew them under any Government: indeed they

appear to be more prosperous and more busy. How they are at the Southward I am not very well informed. Our Vessel, according to present appearances, is not in immediate danger of any Sudden or violent Storms. The late election, I hope will not have any dangerous Consequences in your State. If either the symptoms of brake-bone fever, not wholly subdued, or any Considerations of delicacy, or any other Thing should prevent my attendance in Senate at the beginning of the Session I hope to be excused. There are commonly two or three months at the opening of Congress, when little Business is done, and no important Question is decided; so that I flatter myself the Senate will appoint a President for a short time and not be too severe upon me. This is *entre nous*.

With great Esteem, I have the honour to be, dear Sir,
Your most obt. Servt.

JOHN ADAMS.

The honourable RUFUS KING.

G. MORRIS TO R. KING.

PARIS, 23d October, 1792.

DEAR SIR:

Yours of the first of September reach'd me a few Days ago. Accept my sincere Thanks for the Information it contains which is precious and highly pleasing. I might comment on what you say respecting a Print which censures every Measure of Government, but you will readily anticipate all which I might say on that subject. I cannot give you such desirable Intelligence respecting the State of Things here as I might have done if the late Revolution had not taken Place, because I find my Intercourse of Necessity suspended and untill I have Orders respecting the new Government, I am bound to preserve a Neutrality of Conduct so that I cannot as heretofore peep behind the Scenes. Add to this that there is at present no very certain March anywhere, each feeling himself oblig'd to deviate according to Circumstances from the course which he might wish. I will attempt however to give you an Abbreviation of the late Events and in my Letters to Mr. Jefferson which may perhaps be communicated

to the Senate, and at any Rate from the Gazettes preceding and subsequent to the tenth of August you will be able to fill up the Outlines of the Sketch.

The late Revolution has for its remote Cause that Excess in the human Temper which drives men always to Extremes, if not check'd and Control'd. For its proximate Cause, it has the Vices and Defects of the late Constitution, and particularly that an Executive without Power was rendered responsible for Events, and that a Legislature composed of a single chamber of Representatives was secur'd by every Precaution and under no Control except some paper Maxims and popular opinion. That the People or rather the Populace, a thing which thank God, is unknown in America, flatter'd with the Idea that they are omnipotent and disappointed from Necessity in the golden Prospects originally held out to them, were under no Restraint except such as might be imposed by Magistrates of their own Choice. It resulted inevitably that the Executive must be in the Power of the Legislature, and this last at the Mercy of such Men as could influence the Mob. By reducing the royal Authority below all reasonable measure, the Constitution Makers had created a Moral Impossibility, that the People should believe the King sincere in his Acceptance, even if it had been possible that he should without Regret have beheld himself reduc'd from the first Place allotted to man to a State so low as to be exposed to Insult from the lowest. It was evident then the Constitution could not last and in the overturn three things might happen, viz, the Establishment of Despotism, the Establishment of a good Constitution, or the Institution of a Democracy. The first under an able and ambitious Prince was inevitable. The second was extremely difficult, not in itself, but because the Chiefs of different Parties all found themselves committed to different Points and opinions. The last was only a natural continuation of the Progress of Men's Minds in a necessary succession of Ideas from the Bill of Rights. The Advocates for Republican Government therefore had an easy Task altho' both to themselves and others it appeared difficult. From the moment that the second Assembly met a Plan was form'd among several of the Members and others to overturn the Constitution they had just sworn to observe and establish a Republic. This arose in Part from the Desire of placing themselves

better than they could otherwise do, and in Part from a Conviction that the System could not last and that they would have no Share in the Administration under a pure Monarchy. As they had a strong Hold upon the lowest Class of People, as the Aristocratic and constitutional Parties were at open war, as these last avowed openly their Wish to amend, in other words, to change the Constitution, which at the same time they assum'd to venerate, it was not a difficult Matter to assault a Monarch who adhered to that Form which he could not be supposed to approve and whose Faults became daily more apparent. Add to this that the Court was involv'd in a Spirit of little paltry Intrigue unworthy of Anything above the Rank of Footmen and Chambermaids. Every one had his or her little project and every little Project had some Abettors. Strong manly Councils frightened the weak, alarmed the envious and wounded the enervate mind of the lazy and luxurious. Such Counsels therefore (if perchance any such appear'd) were approved but not adopted, certainly not follow'd. The Palace was always filled with People whose Language, whose Conduct and whose Manners were so diametrically opposite to every Thing like Liberty that it was easy to persuade the People that the Court meant to destroy the Constitution by observing strictly the Constitution. Some Persons avow'd this Tactick which from the moment of such Avowal was no longer worth a Doit. The King, whose Integrity would never listen to any Thing like the Violation of his Oath, had nevertheless the Weakness to permit those who openly avow'd unconstitutional sentiments to approach his Person and enjoy his Intimacy. The Queen was still more imprudent. The Republicans who had also their Plan to destroy the Constitution by the Constitution, founded on the King's personal Integrity their Operation to destroy his Reputation for Integrity & hold him out to the World as a Traitor to the Nation whom he was sworn to protect. They in Consequence seized every occasion to pass popular Decrees which were unconstitutional. If the King exercised his Veto, he was accused of wishing a Counter-Revolution. If he sanctioned the Decree, he was so far lost with those who were injured by the Decree; and of course became daily more and more unprotected. The Success of his Enemies was beyond their own Expectation. His Palace was assaulted. He took Refuge with

the Assembly and is now a Prisoner of State with his Family. But now the Ideas of Revolt which had been fostered by his overthrow are grown very troublesome to those who have possessed themselves of the Authority. It is not possible to say either to the People or to the Sea, so far shalt thou go and no farther ; and we shall have I think some sharp Struggles which will make many men repent of what they have done, when they find with Macbeth that they have been taught bloody Instructions which return to plague the Inventor.

Adieu, my dear Sir, I am truly yours,

GOUV. MORRIS.

C. GORE TO R. KING, PHILA.

BOSTON, Nov. 14, 1792.

MY DEAR SIR :

No doubt can be entertained but the election in Massachusetts will be federal. Opposition was made to Ames by the advocates of Austin ; and the friends of Government reposed with too great Security on the good sense of the voters. It will appear that so few votes were scarce ever given on any occasion. In few towns more than 20 votes, & in many populous places, not more than ten—but Ames will be chosen by a large proportion.

The Electors of Massachusetts will be appointed on Wednesday next, and we have no reason to fear an appointment of such as will prefer any candidates for the two first offices of Government to the present occupants.

Your friend,

C. GORE.

CHAPTER XXV.

Sympathy in America with the French Revolution—M. Genet's Arrival as Minister from France—His illegal Acts—The President's Proclamation—R. King's Views on the Relations with France favor Neutrality.

The sad events which the correspondence in the last chapter related as having taken place in France at the end of the year 1792, resulting in the overthrow of the monarchy and the substitution in its place of liberty and the French Republic, found a strong sympathetic feeling among a large body of the American people. Overlooking the unbridled actions of the mob, which burst forth with such malignant fury against the established government, and seeing only the struggles of the people to escape from the condition of oppression which had been brought about by the excesses and evil conduct of their rulers, they rejoiced in the result and sent forward their warm congratulations to those who had thus overthrown the tyrannical government, even though it culminated in the execution of the king and established mob rule.

The conduct of England towards us had been so harsh, unjust, and unfriendly that many were ready to suggest and pursue strong measures against that country in support of our rights, so that, on the arrival of M. Genet, early in April, 1793, as a new ambassador from France, with larger powers than had been given to his predecessor, and bringing with him the news of the declaration of war by France against England, a large body of the citizens of the United States were ready to applaud this act.

Fresh from the scenes, in which he had taken a large part, for the overthrow of the Genevese Republic and its incorporation with France, M. Genet came with a determined purpose to repeat here the same system which had been used abroad, so as to establish the power of France in this country. Ignoring the general government, not reporting himself at Philadelphia, he went directly to Charleston and began there at once a series of movements, granting letters of marque to cruisers, and authorizing other hostile measures against England, which could have but one result if permitted by the Government of the United States—that of embroiling us against that country in the war.

— Under these circumstances the conduct of the United States Government and its duty towards both nations became matters requiring the most serious consideration, for while the most friendly feelings existed towards France, which had so opportunely and efficiently aided it in acquiring its liberty and independence, it was a question how far we should allow our sympathies to entangle us in the policy of France and in the war with England, in which her emissaries declared we were bound to assist her.

After an anxious and careful deliberation, the President, on the 22d of April, 1793, issued a proclamation of neutrality, warning the citizens of the United States from engaging in contraband trade with either England or France, with both of which we were at peace and had commercial relations, and thus threw discredit upon and disavowed the attempts to force us into hostile relations with England and make the country an ally of France. It may here be stated that when Congress assembled at the end of the year, the issuing of this proclamation received their commendation in the following words in the Senate's answer to the President's address: * "We, therefore, contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well timed and wise, manifesting a watchful solicitude for the welfare of the

* *Annals of Congress*, 1794, p. 48.

nation and calculated to promote it." A sentiment which the House of Representatives, in their address, unanimously endorsed.

It is hardly necessary to say that Mr. King counselled and maintained the wisdom of the President's action, and, as the following paper shows, lent the assistance of his pen in presenting the legal aspect of the case, as well as other considerations, which ought to influence the government and the people.

R. KING TO A. HAMILTON. *

April 24, 1793.

Averse to any connection with the war beyond what may be permitted by the laws of strict neutrality, we are pleased to see the Proclamation. I have no precedents with which to compare it, but I could have wished to have seen in some part of it the word "Neutrality" which every one would have understood and felt the force of.

Having anxiously considered the points respecting which we conversed when I was last with you, I hope you are founded in your opinion. The change which has happened will not, perhaps, justify us in saying "the Treaties are void"—and whether we may contend in favor of their suspension is a point of delicacy, and not quite free from doubt. The authority of the present Government is coextensive with their territory, which is free from the possession of their antagonists.

Prudence would seem to require us to move with caution, and by delay to insure a safe decision. The mere reception of the minister will do us no injury, although I am inclined to believe, that in order to avoid being pressed on points we may wish not to decide, it will be best to qualify the reception of the minister in such a manner as will save our commitment in reference to those questions we wish to stand open.

Our treaty with Holland may be used with advantage. The report of Mr. Le Brun to the Convention respecting the perfidy of the monarchy towards us, is proof of such a want of good faith as poisons the whole treaty.

* *Works of Hamilton*, v., p. 553, N. Y., 1857.

Have you noticed that the 16th Article of the Treaty of Commerce between England and France is in the teeth of the 22d Article of the Treaty of Commerce between France and us? On the principle that all the articles of a treaty have the force of conditions, the violation of this Article by France would give us the power to renounce the whole Treaty.

Examining our laws respecting the registry of our ships and vessels, I was struck with a difficulty which will luckily be in the way of our purchasing prizes brought into our ports by any of the powers at war. It is worth your attention. As the law stands, I do not perceive that any such vessels can be protected by the American Flag, even though owned bona fide by American citizens. Of this point, however, I will not be confident. Such vessels, beyond doubt, will be liable to pay the foreign tonnage.

The conduct of England in searching our ships and impressing seamen engaged under our flag, is very different in the present armament from what it was in the late armament against Spain. The masters of our ships which have arrived here from England, as also those who have arrived from Ireland, speak with the appearance of National pride when they mention the hotness of the press, and the entire exemption of ships which sail under our flag. The circumstance is one from which we may make pretty certain inferences. Farewell. I wish I could give assistance to the measures and maxims you will pursue. We must not become entangled with this mad war.

Yours &c.,

RUFUS KING.

In Rufus King's handwriting :

* "The proclamation of the President of the U. S. cannot fail to afford satisfaction to every part of the Union. The public opinion seems quite in unison with the determination of the supreme executive ; so much so as to even discover anxiety lest from any unforeseen causes, we may notwithstanding the plain path of duty be drawn into the war. It is presumed that we have no Treaties, or engagements with any foreign nation, except those

* This and other following papers were published in the journals of the time.

with which the public are acquainted. The U. S. have entered into Treaties of commerce with France, Holland and Prussia, and they have a Treaty of Alliance with France. War exists between these powers and it behoves us in order to maintain an impartial conduct, as well in regard to these nations, as in respect to any other powers which are or may be engaged in the war, to ascertain our engagements, and seasonably to decide on the conduct we ought to pursue. If we are bound by Treaty to perform services to some, and to refuse them to other nations, we hold the public faith and the national honor, too precious to hesitate to perform our engagements. If on the other hand, we are altogether free from engagements of preference, the country at large cannot too early be informed that such is the case.

"It is pleasing to reflect on the felicity of our situation, and on the prospect of peace and prosperity that we have before us. It cannot be for the interest of any of the maritime powers to disturb our repose, since our friendship is of importance to all of them. If we sought for proofs to satisfy us on this point, we have them in the conduct of Great Britain. No one who remembers the embarrassments to which our ships were subjected a few years since, when that power was arming against Spain, can fail being struck with the difference in their present conduct. The press is now as hot as at any former time. The American Navigation is exempt from search and our Flag receives its due & proper respect in the different parts of that dominion. We owe to England and to every other power with whom we have no Treaties friendship and impartiality—to those with whom we have Treaties, we owe the same friendship and impartiality, together with whatever else we are obliged to afford them.

"Were we without Treaties, or were the Treaties which we have formed free from engagements, which go beyond the mere offices of neutrality, there would not be the smallest difficulty in our way.—Strict impartiality, and a conduct equally friendly to all would be the profitable course that we should hold.

"It may be permitted to make a slight examination of the Treaties of the U. S. in order to ascertain and discover the exceptions to this course which they contain.

"The commercial Treaties with Fr., with Hol. and with Prussia are nearly copies of each other with this difference, that as the

Treaty with France is the oldest, those with Hol. and Prussia contain articles asserting that nothing in them shall be construed to affect certain stipulations contained in the more ancient Treaty between us and Fr.—So far as regards the modern usage of nations, by which Free ships make free goods, all these Treaties affirm the principle. With respect to our comml. Treaty with Prussia, after admitting the entire reciprocity of its articles, and applauding the humane conduct it prescribes in case of war between the Parties, we need spend little time in considering it, since from the small extent of the Prussian navigation, and the rarity of their ships in our seas, it is not likely that any embarrassments will arise from the Prussian Treaty.

“The Dutch Treaty is somewhat more important ; their navigation is extensive, and they possess American Colonies. We have been used to see their Flag in our Ports, and our ships visit as well their colonies as the Mother Country. Besides they were our friends as well as France, during our struggle for independence, and the interest that they took in our affairs involved them in a losing war with Great Britain. This Treaty contains an engagement on our part to permit their Privateers and ships of war to fit and refit in our ports, their prizes to come, remain and depart at pleasure, and to refuse the like offices to any power with whom they are at war.—But in the — article there is a saving that this permission and refusal shall not operate against our prior engagements in the Treaty with France.

“The situation of the U. S. is peculiarly interesting at the present juncture. It is, however, satisfactory to observe that but one opinion will prevail in respect to the course that we ought to pursue. It was a motive at the same time consolatory and influential in establishing the independence of the country, that by an entire separation from the Powers of Europe, we should be exempt from those calamities and unnecessary wars with which the old world is so frequently affected. This consideration was rendered still more satisfactory by the reflection that our distance would insure us from danger, and that a course of neutrality would not only extend our commerce and increase our prosperity, but *in consequence thereof*, would admonish other nations of the folly and misfortune of engaging in frequent wars.

“It is a little difficult to conceive any possible inducement which

can draw us into the present war in Europe, while the least observant must have been struck with the advantages of preserving our neutrality. In case of war, we must join France against the rest of Europe, or with the allies against France. We have no interest depending on the present war, whatever may be our wishes, or on which side of the two we may consider the aggression.

"The allies complain of three things, the opening of the Scheldt, the decree of Fraternityship and the aggrandizing or ambitious views of the National Assembly. Whatever may be required to preserve the balance of Europe, we have little to apprehend from the last consideration, and, as a nation, nothing to wish or apprehend in regard to the other two points. We shall not then engage on the side of the Allies. For I take it for granted that we shall not join any confederacy to regulate the interior affairs of France. But may we not join France against her enemies? Did she not assist us against ours? Our Government being republican, do we not feel a sympathy for the cause in which she is embarked? Are we not bound by Treaty to come to her aid in the W. Indies? And have we not entered into stipulations to admit her ships of war and Privateers together with their Prizes, to permit their outfit and to allow them to victual their armaments, and have we not likewise agreed to refuse these benefits to any Power with whom she is at war? And will not this state of our connexion necessarily involve us in the quarrel?

"I propose to make a slight examination of these queries.

"It will not be denied that we experienced substantial benefits from France in the course of our Revolution; and it would not be handsome to attribute the aids we received to motives irrelative to our happiness and success; although it must be evident that the dismemberment of the British Empire was an event to which France could not have felt an entire indifference: and although we have now ascertained what our most enlightened citizens have not doubted, that the assistance of France was an affair of speculation and that she has been uniformly and systematically unfriendly to the growth of our strength and prosperity.

"Still the benefits were received, and they leave on the public mind a sense of favor; we therefore feel a partiality for France, and notwithstanding the excesses to which they have proceeded, the citizens of the U. S., if they cannot justify, are desirous to

excuse them. In a more settled and less equivocal state of their affairs, we may be able to prove our faithful recollection of the assistance of their King by a return of those kind offices, and that friendly connexion which our esteem of a great nation will naturally inspire.

“With respect to the second enquiry ; By reason of the diversity between the habits, the religion, the language and the information of the two countries, the force of our sympathy is in some degree weakened. We naturally entertain good wishes for the success of a cause, in maintaining which we ourselves have suffered ; but so many circumstances in the progress of the French Revolution have occurred, the explanation of which has not been given, and some of which were capable of affecting the innocence and purity of the Republican character, that it will hardly be deemed advisable to make a love affair of the French Revolution, or to engage in war from an excess of sensibility and sentiment.

“The third enquiry respects our guaranty of the Possessions of France in the West Indies, concerning which it may be observed (independent of the question how far the Treaty is now obligatory—which will presently be examined) that the Treaty is a defensive one, and purposely affirms to have been made for the sole object of establishing the independence of the U. S. ; the guaranties are general, may be considered as having expired at the conclusion of the war, when the object of the Treaty was ascertained *by the establishment of the American Independence* ; it may be further said, admitting the Treaty to be still operative, as the alliance is defensive, two points must be clearly established before the *casus foederis* occurs. First the war must be a defensive one on the part of France, or at least France must not be the aggressor : secondly, *if the first point can be established*, France must be in a condition to make efforts herself to protect her W. India possessions, and must have actually called on us to come to their assistance. It does not seem probable that France will or can take any measures for the effectual protection of her Colonies ; her situation, and indeed her system, would seem to forbid it ; hence it is not probable that the requisition would be made ; and if it was, the enemies of France command the Ocean, performance would be impossible on our part. It has been said

that the National Assembly have decreed their consent to the independence of their colonies in the W Indies ; the measure would be a wise one, and seems to be suggested from the probable incapacity of the nation to afford a maritime force sufficient to protect their colonies, and in any event the *casus fœderis* will not probably occur and there seems therefore but a slight probability of our being engaged from this circumstance.

“The fourth point is somewhat delicate—Whether the Treaty is or is not executed—If the Treaty is supposed to be in force, we shall be bound to pursue a course, which, with those who do not comprehend and weigh the Law of Nations in respect to what is and what is not a violation of neutrality, may be deemed a departure from the neutral character, *it is so clearly our interest to maintain*. For in common estimation the obligations of neutrality forbid us to afford any succour, or refuge, or hospitality to one of the Powers at war which we deny to the other, and the popular opinion on this point is that our treatment should be wholly indifferent and without preference of either Power. This sentiment is notwithstanding not altogether correct ; and although it is sustained by a species of natural equity, still the Law of Nations will clearly authorize a different conduct ; Nations as well as individuals are bound by their bargains, and justice requires that they should perform them. Two nations enter into engagements to afford a neutral succour in case either should be engaged in war ; justice and good faith require the performance of the engagement, and the enemy of the ally has no right to deem such succour to be a breach of strict neutrality. This case has frequently happened among the European Powers and particularly with the Swiss, and it has never been esteemed to be a violation of neutrality, nor a cause of offence to the enemy of the ally who has received the succour. So that in case our Treaty with France should be considered to be still in force, the permitting her Privateers to refit and victual and their prizes to be brought in and sold, and the denial of these rights to Great Br. and Holland would not be a violation of our neutrality, since this course is required by a Treaty entered into before the war by France and her present antagonists.

“*But*, in order to ascertain the force of the Treaties between the U. S. and France, it may be permitted to pay some attention to-

the evidence for and against the sincerity and good faith of France, in respect to the stipulations which these Treaties contain *in our favor*. He must have paid slight attention to the History of Treaties between nations, who does not know that ambition and interest have generally prevailed over the force of obligation, and that Treaties have been observed, not according to their intrinsic meaning and force, but merely as has comported with what has been deemed convenient or otherwise to the nations. This observation is by no means intended as recommending to the U. S. an imitation of the numerous examples of the convenient violation of Treaties, but with another view. Although the Treaties with France were made with good faith on our part, and have been honestly observed by us, still if the same good faith did not exist on the part of France, and if we have evidence of this want of integrity in the subsequent conduct of the *French monarchy*, respecting the stipulations contained in these Treaties, then it will probably be agreed that the U.S. may or may not adhere to these Treaties as they shall prefer. For it is understood to be a principle in the Law of Nations that, the articles of a Treaty being conditional, if they are violated by one party even in a single article, the other party is at liberty to renounce the Treaty and hold it to be void.

“Although France would not permit to the U. S. a partnership in her right to fish on the Banks of New Foundland, yet by the spirit of the Treaty, she ought to have assisted us in ascertaining and establishing a participation with Great Britain. But, instead of this aid, it is believed that the Court were opposed to our having a share in the great fisheries of New Foundland, and that measures were not spared to disappoint us in our reasonable rights.

“By the Treaty of Alliance, France relinquished all pretensions to the territory which composed the British colonies at the peace of 1763, and by the spirit of the alliance she is restrained from taking any part which might curtail our reasonable pretensions in the subject of Boundary. But it is believed that France gave us obstructions on this important point, and that she was desirous to have given the Ohio as frontier and a western line far short of the East Bank of the Mississippi as a boundary.

“By the Treaty of Commerce France was bound to employ her good offices and interposition in our favor with the Barbary

Powers. But although her consul was well received and of great influence at Algiers, it is believed that he by no means assisted the expensive efforts made by the U. S. to obtain peace with that Regency, and that when the French Ministry have been applied to, they have never spoken offensively in reply, but have condescendingly recommended the employment of an order of monks, who have devoted themselves (when well paid) to redeem christian captives from the power of the Infidel.

"By the Treaty of Alliance France was bound to guaranty to the U. S. the possession of their entire territory, but the Posts, confessedly within that territory, have remained for more than nine years out of the possession of the U. S.

"By the Treaty of commerce France was bound to prohibit the Privateers of any foreign power arming, selling, or exchanging their Prizes, or victualing, except in a manner sufficient to carry them to the next port of their nation, in their ports. But by the 16th Article of the Treaty of Commerce with England, she has formed with that nation a stipulation of the same import, without excepting the U. S., whereby the stipulation with the U. S., so far as respects any controversy with England, is rendered totally void.

"By the tenor of the Treaties of Com. and Alliance, France was bound as a faithful Ally to exert her good offices and friendship in favor of the U. S. in increasing the stability of their government, extending their commerce and assisting their prosperity. But independent of the points above suggested, which, if well founded, have been of an opposite tendency, we are now, by the report of Mr. Le Brun, the minister of For. Affairs of the present Government, informed that by examining the instructions heretofore given by the Ministry of the late King respecting the U. S., that at the time when the friendship and good faith of America, was unequivocal, Vergennes and Montmorin thought that it was not suitable, &c. *

* "Thus the present Government of France declares the conduct of the monarchy to have been such as by the Law of Nations would make the Treaty void ; and indeed it appears to be an object with the National Convention to consider the Treaties with America, as they have done all other Treaties of their monarchy, as void. And this not because they may hold it impolittick to be allied with the U. S., but from an opinion that new and more beneficial, and perhaps less burthensome connexions may be formed than have heretofore subsisted. Influenced by these considerations is it not probable that Mr.

"If this want of good faith has vitiated the Treaty and put it within the power of the U. S. to renounce the same, what motive should restrain us,—presuming that the landed as well as the commercial interests of the country are united in the opinion that neutrality and peace are at this period of inestimable value, and that, if we can consistently with public faith and national honor keep out of the war, it is peculiarly our duty to do so,—by a course of impartiality, we shall maintain peace, by an opposite conduct we may be forced into the war.

"It is a subject more important than has occurred since the completion of our federal Government, and will not therefore fail to produce the most profound reflexion in the mind of the supreme Executive. It should not be conceived from any thing which has been said, that it is desired to disembarass ourselves with France in order to afford favors to, or to form new ties or connexions with other nations. There are few Americans who can, or wish to, forget the assistance we received from France, and it is presumed that such Treaties may be formed between the two nations as may consist with their mutual interests. But the wisdom of our Executive will decide how far the present moment is suitable for the formation of such alliances.

"One sentiment, however, on the subject of foreign alliances and commercial treaties deserves consideration and is suggested by the present state of the nation. The prospect now before us manifests the value of our neutrality both in respect to the increased price of our produce, and also the demand for our ships—hence an admonition to avoid in our foreign alliances and treaties all those articles which by affording preferences in war, have a direct and certain tendency to destroy our neutrality by involving us eventually in war. At present all Europe is likely to be engaged in a sharp and bloody war—its duration must be mere conjecture.

"If we maintain our neutrality, our farmers will reap a golden harvest, and our Flag, while floating on every sea, will enrich our merchants and extend and assist in the establishment of our national fame and wisdom."

Genet, who has lately arrived as Minister from that Country, will propose to our Government to enter into alliance with France, without regarding the former Treaties, or even suggesting the propriety of their continuance."

Undeterred by the disavowal of and by the determined opposition of the government against his acts, and by the orders of the President issued to put a stop to his illegal proceedings, defying the processes of the law, the French ambassador and his friends sought in every way by publication and overt acts to inflame the public mind against the stand taken by the government, even threatening to appeal from the President to the people. The papers, which follow, will tell the history of these attempts—which in the end resulted in his dismissal by his own government from the position he held, and his retirement to private life in the United States.

* “Every nation is bound to respect itself, and it owes it to its own dignity to punish offences against its authority, whether committed by its citizens or by foreigners. Every nation is likewise obliged to regard the interests, and to avoid a violation of the rights, of other nations; and in case her citizens or foreigners, inhabiting her territory, make depredations on the property of other nations, and infringe their rights, it behoves the nation not only to disavow, but to punish such transgressors. These principles constitute the elements of the social compact, and their observance is not less enjoined by sound morality than by those maxims of the law of nations, which regulate the good correspondence, and are so truly calculated to preserve the peace and independence, of nations.

“Conformable to these principles, we have reason to be satisfied that the President, after carefully examining the treaties subsisting between the U. S. and foreign nations, decided that we are not bound by Treaty to permit any foreign power originally to equip and make privateers in our ports and that the laws of nations declare such equipments to be repugnant to the obligations of peace and neutrality.

“Among the various irregularities which not only offend the nation within which they happen, but also furnish their friends and neighbours with just ground of complaint, none are less excusable, and more offensive, than the practice of making war for

* Rufus King's manuscript.

the sake of plunder. Indeed it is greatly to be wished that this practice was altogether abolished among modern nations. Its pernicious effects upon morals, its influence in destroying those salutary habits of thinking, which teach us to regard with religious abstinence the property of others, and the private and unmerited misery into which it frequently plunges families, exemplary for their industry and virtue, may be enumerated among the unhappy consequences of this doubtful species of warfare.

"It would be an example worthy of a great and magnanimous nation to decree its abolition.—This, however, is rather the subject of virtuous hope, than of reasonable expectation.

"Being in peace with all the world, it is incumbent on our citizens to decline engaging in acts of hostility, and on our Government to deny to each of the Powers at war an asylum for the purpose of forming military enterprizes by land or water against their armies. In opposition to these duties, the Minister of France has asserted and insists on a Right derived to France from the 22d article of the Treaty, &c., originally to equip privateers in our ports. Our Executive has decided that France has no such Right in virtue of the Treaty, and that neither that Power, nor any other shall endanger our peace by making such equipments within our Jurisdiction. In a former paper the grounds of this decision were examined and it was shown to be conformable to the only rational meaning of the Treaty, and agreeable to the interpretation which France herself had already given to the same article.

"After exposing the claim of France to the Executive and receiving an answer denying its validity, the only proper course to have been taken by the French Minister was totally to have abstained from attempting a practical violation of the decision of the Executive, and to have represented the answer to his nation, and waited for their farther instructions. This course would have proved the regards of the Minister for the mutual interest of the two countries, his knowledge of those rules which regulate the conduct of foreign Agents, and at the same time have demonstrated that respect for our Government which is so justly due from the Minister of a nation contending for liberty, to the Representatives of the freest and happiest nation on Earth. Unhappily a conduct in all respects different, and in every way

inexcusable has been pursued by the Minister to France. Forgetting that the protection which the Law of Nations confers on public ministers, proceeds upon the sentiment that their conduct is regulated by those maxims which forbid a violation of the laws of the country where they reside, to which they are deputed, the behavior of the minister of France is without precedent and, it is believed, will be disavowed by his nation.

“In defiance of the authority of our laws, in contempt of our excellent Constitution which deposits the executive authority of the nation in the virtuous hands of the President, and with views altogether repugnant to the peace of our Country, he has persisted in equipping, and has actually fitted out, commissioned and sent to cruise on the high seas several Privateers. The equipment of these Privateers, and the raising and arming their several companies within our Jurisdiction, being unauthorized by our national authority, which alone could permit the same, must be viewed, not only as affrontive to our Government but illegal and void. The property which they may seize and bring within our territory, must by our laws be considered as illegally taken and detained, and the proprietors of consequence entitled to possession of it.

“The whole transaction being forcible, the association being composed of armed men, the force actually subsisting and being found within our Jurisdiction, the property captured being found in the hands of an illegal assembly of armed men ; in short the case being public, clear, and flagrant, the power charged with the execution of the laws, was bound without delay, with the force of the militia to suppress and dissipate such illegal confederacies, and to restore to the true owner all property found in their possession.

“The right to interfere for the purpose of suppressing such illegal and foreign combinations and to restore the plunder found in their hands is derived from those laws which enjoin upon the nation a conduct friendly and impartial to all the belligerent powers ; the right of interference by the President is founded on the nature of his office, charged with the execution of the laws of peace and neutrality, and bound to resist all high handed and violent invasions of the laws and Jurisdiction of the country by foreign nations.

“The equipment of the Carmagnole was an offence not only agt. the U. S., since it violated the essential laws of our national sovereignty; but it was also an injury to all the Powers at war with France, with whom we are at peace, and being committed within our Jurisdiction, we were bound for this twofold reason not to suffer the measure to pass unnoticed. So far as the punishment of the individuals concerned in this offence (and there can be no doubt that they are liable to punishment, whether citizens or foreigners) the judiciary authority is alone competent. But with regard to the Privateer and her Prizes, the case being clear, public and flagrantly illegal, the agency of the Judiciary was not requisite, and the executive power might well interpose to prevent a repetition of the offence by suppressing the Privateer and restoring the vessels captured to their true proprietors.

“The equipment within our Jurisdiction being illegal, the captures were also illegal and void, and the magistrates charged with the execution of the law, were bound in a case thus evident and public to cause summary and expeditious justice to be done to individuals by restoring their property taken without authority and against law, and to the nation by suppressing an armed Force, collected in defiance of its authority.

“The just ground of executive interference appears then to be this; that an armed force was levied within our country, not only without the permission of the nation but in direct violation of its laws; that this Force had violently seized on persons and property and brought them within our Jurisdiction, where by our laws such seizure and detention are altogether illegal and void; that from the nature of the transaction a complete remedy to the person injured must be summary, and in order effectually to prevent future injuries, the executive power, aided by a competent force ought without delay to suppress the military force collected and subsisting within our country in defiance of our sovereignty.

“It is required that a Precedent should be produced which will support the transaction. It is a little mortifying to our national character to reflect that this requisition shd. be made; since the want of the sanction required, proves that a measure so highly disrespectful, as the one resisted by our Executive, has perhaps never before been attempted by the emissaries of any

foreign nation. It is boldly said by the advocates of France that the Americans were permitted by France to fit out and equip Privateers in their ports during our revolutionary war. But this assertion, so far as it regards the end for which it is made, wants proof. Nay, it can be disproved by indubitable authority. We should distinguish between two friends, one after the commencement of the revolutionary war and before France was engaged, the other during the same war, but after France had engaged. It is not true that France permitted the Americans originally to equip Privateers in her ports, or to arm those which had been elsewhere equipped, or even to sell their Prizes there, during the first period. Because during this period, the treaty of Utrecht was in full force between France and England, and, tho' enforcing the law of nations, contained stipulations, by wh. France was bound to prevent any force at war with England from arming Privateers or selling Prizes in the ports of France.

"As soon as the war broke out between France and England, the Treaty of Utrecht ceased to operate, and the Treaty, eventual and defensive, between France and the U. S. commenced its operation. By this Treaty France and the U. S. became associates in the war and were bound to open their respective ports to each other, for all the purposes of the common war. Any one who is not informed of this distinction, is referred to the Treaties subsisting between France and England in the year 1775, and particularly to the manifesto published at Paris in 1779, displaying the motives and conduct of his most Ch. Majesty towards England. In that document are these words, 'As a consequence of the amicable part thus taken by his Majesty (the Christian King) he interdicted the American Privateers from arming in his ports, he would neither suffer them to sell their Prizes, nor to remain one moment longer in the ports of France than was consistent with the stipulations of the above Treaty (that of Utrecht): his Majesty strictly enjoined his subjects not to purchase such prizes, and in case of disobedience, they were threatened with confiscation.' And afterwards in another State Paper entitled observations on, &c., published by the royal authority at Paris we have these expressions—'He (the King) prohibited the American Privateers to sell their prizes in France and his subjects to purchase them; and he did not permit these Privateers to remain in

the ports of his Kingdom, but the time prescribed by the Treaty of Utrecht, and under the express conditions laid down in this Treaty.'

"This last State paper contains in a note an account of the procedures of France in two instances of irregular conduct of American Privateers. How far the proceedings of France in these instances, where the offence was comparatively trivial, will constitute precedents in support of the measures of our Government, will be best determined by those, who candidly examine and compare the different cases."

CHAPTER XXVI.

Genet's Threat to appeal from the President to the People—A. Hamilton, R. King, and John Jay on this Subject—Publications relative to Mr. Dallas's Statement of Genet's Threat—His Denial that Genet had made it to him—Evidence that Mr. Dallas had reported the Statement—Effect of this Threat on public Sentiment—Statement by R. King.

A. HAMILTON TO R. KING.*

PHILADELPHIA, August 13, 1793.

DEAR SIR :

The post of today brought me your letter of the 10th, but I was too much engaged to reply to it by return of post.

The facts with regard to Mr. Genet's threat, to appeal from the President to the People, stand thus.

On Saturday, the 6th of July, the warden of this port reported to Governor Mifflin that the Brig Little Sarah, since called the Petit Democrat (an English merchant vessel, mounting from two to four guns, taken off our coast by the French frigate, the Ambuscade, and brought into this port) had very materially augmented her military equipments ; having then fourteen iron cannon and six swivels mounted ; and it being understood that her crew was to consist of one hundred and twenty men.

Governor Mifflin, in consequence of this information, sent Mr. Dallas to Mr. Genet, to endeavor to prevail upon him to enter into an arrangement for detaining the vessel in port, without the necessity of employing for that purpose military force.

Mr. Dallas reported to Governor Mifflin, that Mr. Genet had absolutely refused to do what had been requested of him ; that he had been very angry and intemperate ; that he had complained of ill-treatment from the Government, and had declared that " he would appeal

* Hamilton's Works, vol. v., p. 574.

from the President to the people " ; mentioned his expectation of the arrival of three ships of the line—observing that he would know how to do justice to his country, or, at least, he had a frigate at his command and could easily withdraw himself from this ; *said that he would not advise an attempt to take possession of the vessel, as it would be resisted.*

The refusal was so peremptory, that Governor Mifflin, in consequence of it, ordered out 120 men for the purpose of taking possession of the vessel.

The conversation between Genet and Dallas was, in toto, repeated by Governor Mifflin to General Knox the day following, and the day after that he confirmed to me the declaration with regard to appealing to the people ; owned that something like the threat to do justice to his country, by means of the ships of the line, was thrown out by Mr. Genet, but showed an unwillingness to be explicit on this point, objecting to a more particular disclosure, that it would tend to bring Mr. Dallas into a scrape.

Mr. Jefferson, on Sunday, went to Mr. Genet, to endeavor to prevail upon him to detain the Petit Democrat till the President could return and decide the case ; but as Mr. Jefferson afterwards communicated, he absolutely refused to give a promise of the kind, saying, only, that he would not probably be ready to depart before the succeeding Wednesday, the day of the President's expected return. This, however, Mr. Jefferson construed into an intimation that she would remain. Mr. Jefferson also informed that Mr. Genet had been very unreasonable and intemperate in his conversation (though he did not descend to particulars), and that Dallas had likewise told him (Mr. Jefferson) that Genet had declared he would appeal from the President to the people.

The Petit Democrat instead of remaining as Mr. Jefferson had concluded, fell down to Chester, previous to the Wednesday referred to, where she was when the President returned. A letter was written to Mr. Genet, by order of the President, informing him that the case of the vessel, among others, was under consideration, and desiring that she might be detained until he should come to a decision about her ; but this requisition was disregarded. She departed in defiance of it.

I give you the detail, that you may have the whole subject before you ; but I cannot give you leave to make use of it all.

The circumstances of the letter may be omitted. It may be said, generally that a requisition was made of Mr. Genet, by order of the President, for the detention of the vessel. All that part, however, which is scored or underlined, may be freely made up. This part is so circumstanced as to take away all scruples of personal or political delicacy. 'T is not so with the rest. It can therefore only be confidentially disclosed to persons whose discretion may be relied on, and whose knowledge of it may be useful.

It is true (as you have heard) that things, if possible still more insulting, have since been done by Mr. Genet; but of this, at present, no use can be made, no more than of some antecedent transactions nearly if not quite as exceptional. The mass would confound Mr. Genet and his associates. Perhaps it may not be long before a promulgation of it will take place.

I am of opinion with you that the charge ought to be insisted upon.

Yours,

A. HAMILTON.

P.S. It is to be observed that the equipments of the *Petit Democrat* are, in the strictest sense, an original fitting out. She was before a merchant vessel; here she was converted into a vessel commissioned for war, of considerable force.

A. HAMILTON TO R. KING, ESQ.

MY DR. SIR :

It is not yet finally determined that there shall be a publication & there has been some difference of opinion on the point. But it seems to me the publication of the letter renders it indispensable that the whole story should be told. Yet when it appears it will probably include only what is regularly official; so that the present question may be pursued independently.

Perhaps you will not think it necessary at first to say *to whom* Dallas reported the conversation. Yet if you deem it essential, it may be done, & should it be finally necessary, which is not at all probable, General Knox & myself will come forward as Witnesses.

Yours truly,

A. HAMILTON.

(Endorsed : " 13 & 23 Aug. 1793, Genet's threat," &c.).

FOR THE DAILY ADVERTISER.

Dec. 2, 1793.

TO THE PUBLIC :

Although well constituted free governments only can give and preserve to men the enjoyment of national liberty, yet no government can liberate individuals from the impulse and domination of their passions. Hence it is that the excesses of these passions so frequently produce Parties in all communities, and that personal motives are so often found to be masked by patriotic professions.

While the people continue enlightened and watchful, they may experience inconveniences from such parties ; but most alarming are the mischiefs they cause, whenever they become seduced, infected and inflamed by foreign influence.

The history of mankind has in all ages declared and proved that foreign influence is the most subtle and fatal Poison, that can be communicated to a nation ; for numerous and melancholy are the instances of great and powerful and once happy States, who under its operation have either expired in violent convulsions, or been reduced to a deplorable state of debility and insignificance.

When at Philadelphia in July last, we frequently heard that Mr. Genet, the French Minister, had on a certain occasion said : "that he would appeal from the President to the People"—an appeal by a foreign minister from the President to the People appeared to us both a serious and alarming measure ; that a foreign minister, finding it impossible to bend the Government to his purposes, should turn from it with disdain to the Citizens at large, and before them impeach the wisdom or virtue of the administration, would be a proceeding unprecedented and unpermitted in every well policed state ; it would be a proceeding evidently and necessarily productive of parties, practises and intrigues, highly detrimental to the peace and independence of the country ; and in a variety of respects offensive to the dignity and sovereignty of the nation as well as humiliating and injurious to its constituted authorities.

We left the City well convinced that Mr. Genet had made such a declaration. On our return to New York, we found a report

of that declaration had preceded us, and that it had made the same impression upon others, that it had made upon us. We were asked whether it was true. We answered that it was. To many a declaration so extraordinary did not appear probable, and our having asserted it to be true was questioned. We were called upon in the public papers to admit or deny, that we had made such an assertion. That call merited attention, and we thereupon made the following publication :

FOR THE DIARY.

MESSRS. PRINTERS :

Certain late publications render it proper for us to authorize you to inform the public, that a report having reached this City from Philadelphia that Mr. Genet, the French Minister, said that he would appeal to the people from certain decisions of the President ; we were asked on our return to that place, whether he had made such a declaration ; we answered that he had,—and we also mentioned it to others, authorising them to say that we had so informed them.

JOHN JAY.

RUFUS KING.

NEW YORK, August 12, 1793.

Of the time, place, occasion and other circumstances relative to the transaction, we omitted to give any account ; although we found it necessary for the reasons before mentioned, to avow our having mentioned that declaration as having really been made ; yet we had no desire, or intention to come forward as the prosecutors of the French Minister before the tribunal of the Public.

In common with other free citizens of a sovereign and independent nation, we spoke our sentiments ; but we were mindful, that to the government and not to us belonged the task of taking such measures relative to that Minister, and his conduct, as the interest and honor of the nation might require. Nor did we deem it necessary to detail and explain the evidence on which we rested our assertion ; for while that assertion remained undenied and uncontradicted by the Minister, such a step could neither be requisite nor proper—to anonymous writers on the subject in the public papers we paid no attention, nor shall we in future pay any.

On the singular letter written by the Minister to the President, and the answer through the Secretary of State, we restrain ourselves to this remark, that it only denies his having made such a declaration *to the President*; and that it leaves the question whether he had made it *at all* entirely out of sight. It seems that this did not escape the discernment of the President; for he very justly observed "that whether the declaration was made to him, or others, was perhaps immaterial"—to whom the declaration was made was a question foreign to the inquiry, the true, and only question being whether he had made such a declaration to *anybody*.—To this question the Minister gave no answer, and thereby left the credit of our assertion not only unimpeached, but also strengthened by his silence and by his endeavours to elude the force of it by his letter to the President.

He now denies having made such a declaration: in what light this denial is to be viewed, will appear from the following statement of the evidence and circumstances relative to the transaction in question.

The President having given instruction to the Governors of the several States relative to the fitting out of armed vessels in our ports, by any of the belligerent powers, on Saturday the 6th of July last, the warden of the port of Philadelphia reported to Gov. Mifflin, that the Brig Little Sarah, since called the Petit Democrat (an English merchant vessel mounting from two to four guns, taken off our coast and carried into that port by the French Frigate Ambuscade), had materially augmented her military equipments; having then fourteen iron cannons and six swivels mounted; and it being understood that her crew was to consist (including officers, men and boys) of one hundred and twenty.

Governor Mifflin, in consequence of this information, sent Mr. Secretary Dallas to Mr. Genet to endeavour to prevail upon him to enter into an arrangement for detaining the vessel in port without the necessity of employing military force for that purpose.

Mr. Dallas reported to Governor Mifflin that Mr. Genet had absolutely refused to do what had been requested of him; that he had been angry and intemperate; that he had complained of ill-treatment from the government; and had declared "*that he would appeal from the President to the People*"; and that he had

also said that he would not advise an attempt to take possession of the vessel, as it would be resisted.

The refusal was so peremptory that Governor Mifflin, in consequence of it, ordered out one hundred and twenty men for the purpose of taking possession of the vessel. Mr. Dallas likewise communicated to Mr. Jefferson that Mr. Genet had said "that he would appeal from the President to the People."

On Sunday the seventh of July, Mr. Jefferson went to Mr. Genet to endeavour to prevail upon him to detain the *Petit Democrat* till the President (who was then absent) should return and decide upon the case ; but he refused to give a promise, saying only she would not probably be ready to depart before the succeeding Wednesday, the day of the President's expected return. This was considered by Mr. Jefferson as an intimation that she would remain. The *Petit Democrat*, instead of remaining as Mr. Jefferson had expected, fell down to Chester previous to the Wednesday referred to ; and shortly after sailed out of the Delaware.

For the truth and accuracy of this statement, we refer to Mr. Secretary Hamilton and Mr. Secretary Knox, from whom we derived the information, on which we relied, respecting the facts contained in it. We forbear enlarging this publication by any strictures or remarks on the Minister's conduct. We will only say that we sincerely wish all the peace, liberty and good government to *his* country ; and that we shall always deprecate and oppose the interference of foreign powers or foreign agents in the politics and affairs *of our own*.

JOHN JAY,
RUFUS KING.

NEW YORK, Nov. 26, 1793.

PHILADELPHIA, Nov. 29, 1793.

We, the subscribers, certify that we did severally communicate to the above mentioned John Jay and Rufus King, the particulars contained in the foregoing statement. That such of them as are therein mentioned to have been reported to Governor Mifflin by Mr. Dallas were communicated by the Governor to each of us as having been received by him from Mr. Dallas. That such of them as respect Mr. Jefferson, including the infor-

mation to him from Mr. Dallas of Mr. Genet's having said "that he would appeal from the President to the People," were communicated to us by Mr. Jefferson.

ALEXANDER HAMILTON.

H. KNOX.

* It may be deemed superfluous to add Remarks to the Documents before the Public, respecting the interview between Mr. Genet and Mr. Dallas, but a short address in your paper of Wednesday last, presumed to be from Mr. Dallas, seems intended to induce an opinion that neither Mr. Jefferson nor Governor Mifflin could affirm the certificate of Mr. Hamilton and Mr. Knox. Such an opinion ought not to be entertained; and it is believed that whatever Mr. Dallas' statement of the interview in question be supposed to prove, it will by no means disprove his former declaration that Mr. Genet had said that he would appeal from the President to the People.

In order that a more correct view may be exhibited of Mr. Dallas' apostacy, a short history of the Transaction in question shall be here given. Mr. Dallas was dispatched by Gov. Mifflin to the French Minister to induce him to consent to an arrangement respecting the armed vessel, the little Democrat, which would prevent the employment of military force. So far as we are acquainted with what passed at this interview, the scene was a little turbulent on the part of the Minister, and Mr. Dallas returned without effecting the object of his Mission. Mr. Dallas made his report to Gov. Mifflin, and accompanied by the Governor likewise reported what had passed at the interview between him & the French Minister to Mr. Jefferson. Previous to Mr. Dallas' report to Mr. Jefferson, the latter had himself gone to the French Minister for the purpose of making an arrangement with him respecting the detention of the little Democrat. At this interview it seems a scene took place nearly similar to that which had occurred at the interview with Mr. Dallas.

The circumstances of the interview of Mr. Dallas on Saturday evening, and of Mr. Jefferson on Sunday morning, when recited

* The article to which this statement of R. King's refers must have been published before Mr. Dallas's letter of Dec. 11th.

by Mr. Dallas and Mr. Jefferson in the presence of each other and before *Gov. Mifflin*, were found to agree in many particulars, but to diverge in force; and thus early, on the day after the evening of the interview between Mr. Dallas and the French Minister, and immediately after the interview between him and Mr. Jefferson, this difference of what passed was noticed and remarked, viz that Mr. Genet had said to Mr. D. that he would appeal from the Pr. to the People, but that he did not make the same declaration at the interview with Mr. Jefferson.

Mr. Jefferson reduced to writing what had passed at his interview with the Fr. Min. and likewise what Mr. Dallas had reported to have occurred in his, noticing virtually that the declaration of an appeal to the People was made to Dallas and not to him. This official document is dated on the 11th of July being the third day after the comparison made in the presence of Gov. Mifflin by Mr. Jefferson and Mr. Dallas of what had passed at their several interviews with the French Minister. That this statement is correct is proved by the following extract of Mr. Jefferson's official report above referred to, viz—*

Contemporaneous proofs, and more especially such as carry with them evidence of critical attention and discrimination, when unattended with the sanction of names of authority, merit the highest regard: and when placed in opposition to a posterior relation of the same transaction even by equally credible characters demand superior credit. The above statement by Mr. Jefferson is of this character. It is contemporary with the transaction which it relates; it is from an authority of the greatest truth and precision; and moreover instead of a mere distant recollection, is part of a report made in the course of official duty and under the obligation of an oath. By this document it is proved, as well as by Mr. Jefferson's declaration to Mr. H. and Mr. K., that Mr. Dallas on the day following the evening of his interview with Mr. Genet, did declare to Mr. Jefferson, that the French Minister did say that he would appeal &c. Mr. Jefferson's authority from all

* "On repeating to him (the Governor) and Mr. Dallas what Mr. Genet had said, we found that it agreed in many particulars with what he had said to Mr. Dallas; but Mr. Dallas mentioned some things, which he had not said to me, and, particularly, his declaration that he would appeal from the President to the People."

those considerations which sway the mind in yielding its assent, insured a belief that what he said was true. His official report of this declaration must have influenced the mind of the Pr., and led him to have given the answer he did to the letter which the French Minister addressed to him on this subject. No one doubted that the declaration was made. The French Minister first denied that he made it to the President, which was never alleged. He next in a letter to Gov. Moultrie talked of analysing to Congress the pretended threat, and by the agency of his partizans adopted various measures to extenuate, to qualify, and to explain away the offensiveness of a declaration, which not even diplomatic courage was yet prepared to deny. Two months and more had elapsed after the declaration in question before Mr. Dallas arrived at Mr. Genet's residence in New York— During this interval it had become obvious to the Minister that the People of America knew too well the value of their Government tamely to witness the degradation to which it was exposed. What had passed between the French Minister and Mr. Dallas is not revealed, what followed their meeting is a matter of public notoriety. The French Minister publishes in the newspapers his letters to the Attorney General and Mr. Jefferson in which he affirms the report of his having said that &c. Mr. Dallas in due time backs the Minister by his solemn declaration that Mr. Genet never told him &c.

On the 7th of July, being the day following the evening of the interview between the French Minister and Mr. Dallas—the latter in an official report informed Mr. Jefferson that the French Minister had said, that, &c—with care and criticism. Mr. Jefferson soon after reduced to writing Mr. Dallas' report in which Mr. Jefferson affirms that Mr. Dallas so stated the declaration of the Minister of France. Mr. Dallas now unblushingly affirms that Mr. Genet never told him that, &c, both Mr. Dallas' declarations cannot be true because they are in direct opposition.

FROM THE AMERICAN MINERVA,
N. Y., Dec. 11, 1793.

MR. A. J. DALLAS' STATEMENT TO THE PUBLIC.

Agreeably to the promise that was published on the 6th instant, I shall now proceed to declare the facts, relating to Mr. Genet's conversation with me, in the case of the *Little Democrat*.

I feel indeed the indelicacy of disclosing what may appear, in some respects to be an official, and, in others, a private communication ; but the anxiety which the public mind has experienced on the subject ; the misapprehensions, which have prevailed ; and the example which is derived from the conduct of all other persons who have been involved in the discussion ; will, I think, be deemed a sufficient justification of the liberty that I find it necessary to take.

Late in the evening of Saturday, the — day of July last, I was informed that the *Little Democrat* (whose warlike equipments, in opposition to the declared neutrality of the port had before attracted the attention of the Government) would sail in the course of the ensuing morning. Having immediately communicated this information to the governor, I received instructions to prepare for calling out a party of the militia, to prevent at all events the departure of the vessel ; but on my suggesting that the necessity of pursuing hostile measures might probably be superseded, by an application to the discretion of the French Minister, I was directed to wait upon that gentleman, with an overture of an amicable arrangement, before the party should be summoned to parade.

It was about 11 o'clock at night, when I arrived at Mr. Genet's house. Mr. Paschall withdrew from the room, into which I was introduced, soon after I entered it ; but Mr. Bournonville and Mr. Dupont remained there during the whole of my visit. I apologised for so unseasonable an intrusion ; and lamented that my errand was not of an agreeable import. I stated the nature, extent and obligation of the instruction, which the governor had received from the President, for the purpose of preserving the neutrality of the United States, within the jurisdiction of Pennsylvania ; and I described the circumstances, that rendered the *Little Democrat* an object of those instructions, as well as the recent intelligence of her intention to leave the port, which the governor was bound to prevent. I mentioned, however, that the governor was desirous to avoid the use of any compulsory means on the occasion, and, therefore, as the allegation, which had been made, that the vessel belonged to the Republic of France, and not to individuals, might produce an exception from the general rule, in her favour, he would cheerfully rely on the minister's

engagement, that she should not depart, till there was an opportunity of consulting the President (who was then, I believe, on his way from Mount Vernon to the City of Philadelphia) upon the merits of this particular case.

This representation was scarcely delivered when Mr. Genet exclaimed with great vehemence "that the proceeding was very extraordinary, improper and unjust. He thought that his uniform acquiescence in the wishes of the government (instanced in the surrender of the Grange, &c) had not merited this return, which, he said, however, should regulate his conduct in future. He expressed surprize that the first intimation which was given of the matter, should be accompanied with a threat. He complained in strong terms, and with many angry epithets, of the ill treatment he had received from some of the officers of the government, which he contrasted with the cordial attachment that was expressed by the people at large for his nation. He ascribed the conduct of those officers to principles inimical to the cause of France and liberty. He expressed apprehensions that, owing to their influence, the President had, in that respect, been misled. He observed with a considerable emphasis that the President was not the sovereign of the country, for he could not legislate on general subjects ; nor could he declare war, or make peace ; that Congress, the depository of those powers, was the only constituted body, that could, on the part of the United States, give a constitutional interpretation (possibly involving the question of war or peace) to the terms of the treaty ; that it was therefore the duty of the President (a duty of which he had frequently pressed a performance) to have convened Congress, before he ventured to decide, by the proclamation of neutrality, upon the general relation between America and the belligerent powers, or to prohibit, by his instruction to the state governors, the enjoyment of the particular rights, which France claimed under the express stipulation of the Treaty ; he urged, that the powers which he had received from his constituents, gave him no latitude upon the point now in controversy ; that the privilege to arm and equip vessels was deemed by them indisputable, founded upon the plain meaning of the 22d article of the Treaty of Commerce ; and that he could not, therefore, enter into any arrangement, which might appear as a waiver of that privilege. He insisted that the Presi-

dent's construction was neither just nor obligatory ; that notwithstanding the existing causes, which would warrant an abrupt departure, his regard for the American people would induce him to remain here, amidst the insults and disgusts that he daily suffered in his official character from the public officers, till the meeting of Congress. He spoke of publishing his correspondence with the officers of Government, together with a general narrative of his proceedings ; and he said, that if Congress agreed in the opinions, and supported the measures, of the President in relation to the Republic of France, he would certainly then withdraw, conscious of having discharged his duty and leave the dispute to be finally adjusted by the two nations themselves.

As soon as I could obtain an opportunity, I recalled Mr. Genet's attention to the immediate object of my visit ; but he peremptorily refused to enter into any engagement for suspending the departure of the *Little Democrat* ; and added, in a manner which I thought intemperate, he hoped no attempt to seize her would be made, for, as she belonged to the Republic, she must defend the honor of her flag, and would certainly repel force by force.

Such was Mr. Genet's conversation with me ; and it will be allowed, that although I am responsible for the fidelity of the recital, I am not responsible for any inference which has been drawn from the facts that it contains.

My report to the Governor on the same night, and to Mr. Jefferson the next morning, corresponded, as precisely as I can repeat, with the account which I have now given ; and I well remember, that Mr. Jefferson's relation of the discourse, that passed in his subsequent interview with Mr. Genet, on the same occasion, so nearly corresponded with my report, that the similarity became a matter of remark with the Governor and Mr. Jefferson, as well as with me.

But it will be expected that I should give a more direct reply to the specific charge which states, that I had reported to the Governor and communicated to Mr. Jefferson, "that Mr. Genet had declared, that he would appeal from the President to the People."

Upon enquiry I find that the Governor thinks that I made use of the word appeal towards the close of my report, in this man-

ner, "that if after the business was laid before Congress, Mr. Genet did not receive satisfaction, on behalf of his nation, he would publish his appeal, withdraw and leave the governments themselves to settle the dispute." The word *appeal* appears, however, in my opinion more applicable to those facts which represent that Mr. Genet, controverting the justice and force of the President's decisions on the treaty, &c, declared a determination to address Congress on the subject: but, in either place, if it is not construed necessarily to impart, that I heard a declaration from Mr. Genet "that he would appeal from the President to the People," I am content to admit the expression.

But I am likewise apprised, that soon after the transaction, when, however, the report was circulating, that Mr. Genet had used the expression in question; when it was reported to have been used by him in his conversation with Mr. Jefferson, and when Mr. Jefferson thought it proper to remove impressions made by the circumstance in the report, he stated in an official memorandum, that Mr. Genet's declaration of an intention to appeal from the President to the People, was not expressed to him, but to me. Whether Mr. Jefferson employed the language of his own inference from my recital on the occasion, or adopted the language of the current rumor, I will not attempt to discuss. But if, in the same early stage of the business, I had also enjoyed the means of explanation, I, like Mr. Jefferson, should then have said, what I said the moment I heard the suggestion applied to me; what I have since taken every proper opportunity of saying, and what I now most solemnly say, that Mr. Genet never did, in his conversation with me, declare "that he would appeal from the President to the People," or that he would make any other appeal, which conveyed to my mind, the idea of exciting insurrection and tumult.

Upon the whole, as my communications to the Governor and Mr. Jefferson were of an official and confidential nature, I think that I have cause to complain; and the candor of others will induce them to lament that I was not personally consulted (which common courtesy, as well as common caution, might have dictated) before Mr. Hamilton and Mr. Knox (who had daily opportunities of seeing me) undertook to propagate the report connected with my name; or, at least, before Mr. Jay and Mr. King

undertook to vouch for its authority. The most attentive hearer may sometimes misconceive the ideas of the person who addresses him ; the most upright narrator can seldom adhere strictly to the language of his author : and I am not aware of any just purpose, which could require that the sentiment which has been circulated should be immutably fixed, or that the form of words, in which it is clothed, should be irrevocably prescribed.

A. J. DALLAS.

PHILADELPHIA, Dec. 7, 1793.

J. JAY TO R. KING.

NEW YORK, 19th Decr., 1793.

DEAR SIR :

I have been favd. with yours of the 15th, & yesterday recd. Dunlap's paper of the 17th, wh. you was so obliging as to send me. It is to be regretted that Mr. Jefferson & Govr. Mifflin still remain as it were in a back Ground. I enclose an extract from one of our Papers, by wh. you will perceive the use made of it.

I am inclined to think that Letters, calculated for publication, from Col. Hamilton & Genl. Knox to Mr. Jefferson & Govr. Mifflin, calling on them to admit or deny the Facts in Question, wd. have been, and may yet be useful.

I shd. have no objection to amuse myself in animadverting on the Statement, but it so happens that I shall not have leisure, if now is the time, to do it in *season*. I shall set out in a day or two for Rye, where I expect to pass next week, and where a Variety of Circumstances will prevent my having any retired or vacant hours. On my Return affairs of another kind will immediately engage me, and which, as they require the attendance of Persons from a Distance, cannot conveniently be postponed. Besides the Evidence will not appear to be compleated while Jefferson & Mifflin remain *silent*, or their Silence is not accounted for.

It has happened in more than one Instance, that Questions in the Circuit Courts, decided by one Set of Judges in the *affirmative*, have afterwards in the same Court been decided by others in the *negative*. As writs of Error do not reach every case, this Evil has no remedy. The natural Tendency of such Fluctuations is

obvious ; nor can they otherwise be avoided than by confining the Judges to their proper place, viz, the Sup. Court—let their salaries be reduced—I for my part wd. consent that a sum equal to the Expences of attending the circuits shd. be deducted.

Yours very sincerely,

JOHN JAY.

Mr. KING.

FROM THE AMERICAN DAILY ADVERTISER.

The Printers of the American Daily Advertiser have received the following statement from an authentic source, with permission to make the source known to any party concerned, who may desire it :

Mr. Dallas having lately made a statement different from that of Mr. Jay and Mr. King, with regard to the declaration alledged to have been made by Mr. Genet, namely "that he would appeal from the President to the people," the following circumstances may serve to assist the public judgment, concerning the real nature of the transaction.

The information which was certified by Mr. Hamilton and Mr. Knox to have been received from Governor Mifflin, was communicated by the Governor to those gentlemen separately, to the latter the day after the evening of the interview between Mr. Genet and Mr. Dallas, at which the declaration is understood to have been made (being Saturday the 6th of July last), to the former, the day following (that is the second day after the interview). Those gentlemen deemed it a matter of public importance, immediately connected with an object upon which they had to act officially, compared with each other at the time the information they had severally received from the governor, and found it to agree as to the point in question, being precisely this, that Mr. Genet had said to Mr. Dallas "that he would appeal from the President to the people."

The same second day after the interview between Mr. Genet and Mr. Dallas, in an official conference between Mr. Jefferson, Mr. Hamilton, and Mr. Knox, having relation to the affair which gave rise to the above-mentioned declaration, Mr. Jefferson stated that Mr. Dallas had told him likewise, that Mr. Genet had said,

“ he would appeal from the President to the people ” ; the terms corresponding with those which had before been used by Governor Mifflin in his separate communication to Mr. Knox and Mr. Hamilton.

The two last mentioned gentlemen, in an official paper drawn up and signed by them the 9th of the same July, a copy of which was then delivered to Mr. Jefferson, recited the information they had received in the following words—“ The declaration of the Minister of France to Mr. Dallas, Secretary of the Commonwealth of Pennsylvania, as related by him to the Governor of that Commonwealth, and to the Secretary of State, is a further confirmation of the same system—This declaration among other exceptionable things expressed that he (the French Minister) would appeal from the President to the people.”

Mr. Jefferson, in an official paper under his signature, dated the 10th of the same July, stated the same transaction in the following words. “ On repeating to him (the Governor) and Mr. Dallas what Mr. Genet had said, we found that it agreed in many particulars with what he had said to Mr. Dallas ; but Mr. Dallas mentioned some things which he had not said to me, and, particularly, his declaration that he would appeal from the President to the People.” The conversation between Governor Mifflin, Mr. Jefferson and Mr. Dallas, at which this passed is stated in the same paper, to have happened on Sunday the 9th of July, the day after the evening of the interview between Mr. Genet and Mr. Dallas.

No comments will be made on these particulars. The public is left to draw its own inferences.

FROM THE AMERICAN DAILY ADVERTISER.

TO THE PUBLIC.

A supplementaty certificate, in aid of the statement, that has been furnished by Mr. Jay and Mr. King, relative to Mr. Genet's conversation with Mr. Dallas, in the case of the Little Democrat, has been published without the name of its authors ; but a report has been raised that this supplementary certificate is published by the Governor and Mr. Jefferson.

A party concerned has, therefore, enquired into the fact ; and lest the circumstance reported may serve to mislead the public judgment concerning the real nature of the transaction, he thinks it proper to state, that he is informed by the printers, that the supplementary certificate is composed and published by the same persons, Mr. Hamilton & Mr. Knox, who composed and published the original certificate (of which, indeed, it is merely a verbal amplification) annexed to the statement of Mr. Jay and Mr. King.

No comments will be made on this particular : the public is left to draw its own inferences.

* The public attention should not be diverted from a subject which it is anxiously desired should be kept out of sight. Notwithstanding the declarations we have seen, that it was not the wish of France to involve us in the war, we are certainly not without proof that the practices of her agents, and the countenance which these practices receive from a few of our citizens, are calculated with fatal certainty to involve us in the war. The equipment of privateers in our Ports, in violation of our laws and in contempt of the decision of our Government, is a conduct the most extraordinary which perhaps ever before happened in any country. This practice is persisted in and we are told that the Executive has been threatened with an appeal to the people to justify it. The practice is too open to be denied. Mr. Genet and his party (for it is to be feared that some of our citizens have acquired a zeal in respect to the views and interest of France, at the expense of their fidelity and attachment to the highest and best interests of their own country) perceive the alarm excited by their illegal proceedings. They by no means abandon their pursuits, but with a view to lull the public into security with respect to their views, they exert all their faculties to create divisions, excite distrust and raise up those baneful jealousies among us, which are so well calculated to cover their intrigues and to destroy our peace and prosperity.

We hear them speaking of the antient distinction of Whigs and Tories, with a view to warm and raise our passions, discoursing on

* Manuscript of R. King.

the excellence of a Republican government, and artfully insinuating that their opponents are unfriendly to Liberty and Freedom. They declare that we are bound to make common cause with France and appear determined to hunt down, and with obloquy and reproach to stigmatize those who boldly assert and contend for the Rights and Privileges of our Country. And it has come to this, that a foreign Faction is so powerful, and has succeeded so far, that Americans dare not avow their attachment to their own Country. Is the approbation of a foreign minister to be sought for and purchased as a Passport for an American Patriot?

Pause a moment my countrymen—Look around you and be satisfied that America is the freest and happiest country on Earth—Place your confidence in those who desire to preserve the enjoyment of these inestimable blessings. Distrust those who, confederating with the enemies of your Peace, are pursuing with incessant application measures which must plunge you into the mission of war—Hear a plain tale and wait for an answer.

Our Government have decided that France has no right by treaty to equip and make Privateers in our ports. The French Minister opposes this decision and has caused many Privateers to be made and fitted out in our harbours. He is charged with having threatened to appeal to the people from certain decisions of the President. He has not denied the charge—he cannot deny it. Great pains are taken to call in question the propriety and motives which induced the change. It is pretty evident that the measure was not induced by Mr. Genet. The charge is a plain one, and if Mr. Genet is innocent he can deny it. It is much easier to deny it, if it is not true, than to be at the trouble of enquiring for the principles and motives of those who have proffered the charge.

It remains to notice the query why Mr. Genet was not applied to before recourse was had to other measures.

It is but candid to allow that courtesy and politeness, as well as propriety, indicated such a course in preference to any other. Every Ambassador is supposed to possess a superintendence, and at least an advisory controul over all the transactions of the members of his nation residing in the Country in which he may be placed. In the case of Mr. Genet, it is said, and the Decrees

of the National Convention, conferring powers on other public agents render it highly probable, that his Powers are large and extensive ; that in addition to the usual diplomatic authorities, he is clothed with those of Consul General and Commissary of the Republic in this quarter of the World ; and therefore that he could easily arrest and prevent any unfriendly and improper measures pursued by the Citizens of France in this country. To have availed ourselves of his Powers to restore the Brig Chelcomb and Cargo must have been much easier, less expensive and more consistent with that good and friendly correspondence which we desire should subsist between our Country and France, than the adoption of any other means. It is therefore to be inferred that the course which has been pursued, has been adopted from a conviction that an application to Mr. Genet would have proved ineffectual. This is not only presumable from the preceding considerations, but a series of facts authorise us to believe that it was in truth the case.

The distribution of the French commissions of Letters of Marque and Reprisal must have been confided to Mr. Genet, or have been placed under his controul. No sooner had he arrived at South Carolina, and in going there he passed by the Seat of Government, where he might have been acknowledged, than we hear of the equipment of the Privateer called the Citizen Genet. This exceptionable measure must have been effected under his eyes and with his approbation and assistance. After his arrival at the seat of Government, where he was received in the kindest and most satisfactory manner, notwithstanding the great irregularity of which he had been guilty in So. Carolina, there is reason to conclude that the decision of our Government was made known to him in respect to arming and making Privateers in our ports. The natural and proper conduct which Mr. Genet should have observed, required of him to cause the Privateer Genet immediately to depart from our Coast without returning into any of our ports, or, in case of her return, to have directed that she should be dismantled and that she should not again have gone to sea. Indeed it has been said that he himself gave reason to expect a decision of this friendly and becoming nature. But from some cause which at present can only be the subject of con-

lecture, the result has been a conduct quite different from what was reasonably expected, repugnant to a just estimate of his proper authorities, contemptuous in the highest degree to the Government and people of our nation, and calculated with fatal certainty to involve our peaceful and happy Country in the horrors and multiplied hazards of war.

The Privateer Genet came into port and, after refitting, went again to sea. Vessels were equipped and commissioned as Privateers in various places within our Jurisdiction, our citizens were debauched from their obedience to the laws of the land and enticed to enter on board these Privateers originally equipped in the bosom of a country at peace with all the world. Seditious practices were beginning to show themselves in different places: the plainest maxims of integrity and fidelity were questioned, our countrymen, attached to liberty which they are worthy to enjoy, were told in public addresses and in private discourses, that our Freedom and Happiness depended on the success of the French Revolution. No efforts have been spared to plunge us in war, at the same time that it has been treacherously said that it was neither expected nor desired by France that we should be involved. All these practices and pernicious proceedings were fairly fixed upon the author by the conduct which he observed with respect to the armed vessel called the Little Democrat.

This vessel was equipped originally as an armed vessel at Philadelphia, and under the eye of Mr. Genet. It has been confidently asserted, and it is believed that it cannot be contradicted, that in this instance a direct requisition was made by authority of the President of Mr. Genet to detain this vessel, and that the requisition was treated with total disregard and contempt, and the vessel proceeded on a cruize in defiance of our highest authority.

What should be the conduct of a nation, who have freely shed their blood and liberally bestowed their treasure to attain Liberty and Independence? Should they a second and third time ask, to be refused and insulted? or should they consider the reputation of a just and virtuous People too precious to be exposed to repeated contumely?

TO THE ATTORNEY-GENERAL OF THE UNITED STATES.*

PHILADELPHIA, December 18, 1793.

SIR :

The Minister Plenipotentiary of France has enclosed to me a copy of a letter of the 16th inst., which he addressed to you, stating that some libellous publications had been made against him by Mr. Jay, Chief Justice of the United States, and Mr. King, one of the Senators from the State of New York, and desiring that they might be prosecuted. This letter has been laid before the President, according to the request of the minister ; and the President, never doubting your readiness on all occasions to perform the functions of your office, yet thinks it incumbent on him to recommend it specially on the present occasion, as it concerns a public character peculiarly entitled to the protection of the laws. On the other hand, as our citizens ought not to be vexed with groundless prosecutions, duty to them requires it to be added, that if you judge the prosecution in question to be of that nature, you consider this recommendation as not extending to it ; its only object being to engage you to proceed in that case according to the duties of your office, the laws of the land, and the privileges of the parties concerned.

I have the honor to be,

T. JEFFERSON.

STATEMENT IN R. KING'S HANDWRITING IN ANSWER TO THE ABOVE.

February, 1794.

In answer to Genet's letter to the President calling on him to declare that he had never told him that he would appeal from the President to the people, Mr. Jefferson observes "that it was perhaps immaterial whether the Decon. was made to the President or to another person." But afterwards when Genet had denied that he ever made the Decon., and requested that Mr. Jay and I would be prosecuted for a libel, Jefferson answers that the President had referred his Demand to the Attorney General with directions to do what the occasion should require.

* *The Writings of Thomas Jefferson*, v. iv., 97, New York, 1854.

This reply from Mr. Jefferson by order of the President was considered by Mr. Jay and me as extraordinary, as it authorised inferences unfavorable to our characters, and such indeed, as both the President and Mr. Jefferson were sensible we did not merit.

In December Mr Jay and I addressed a letter to the President on this subject, explanatory of our conduct, complaining of the letters which by his direction had been written by the Attorney General and the Secretary of State relative to this affair, and requiring of his Justice to direct the Secy. of State to furnish us with a certified copy of his Report to the President, of the interview between Mr. Dallas and him, and that he would permit us to publish the same in order to place before the public the evidence relative to Mr. Genet's Declaration.

Much difficulty occurred relative to this letter. Randolph, who with Jefferson was treated with much severity in it, endeavoured to induce the President to reply, and to justify his and their conduct. Hamilton advised the President to grant the copy required, and to reply in such a manner as would not acknowledge the charge of injustice made against him in the letter from Mr. Jay and me. Knox was desirous of preventing the affairs terminating in a rupture between the President, Jay and me, and was therefore solicitous of some middle course, which should satisfy no one, but end in burying the affair in oblivion. He suggested our taking back the letter to the President, and that we should propose a personal interview in order to heal the wound inflicted by the Letter—we declined—the Letter was written and could not, nor indeed ought it to, be taken back—with respect to an Interview, it must proceed from the President's invitation.

Finally it was thus arranged. The President sent for Mr. Jay—they conversed freely upon the subject—the President justified his own conduct and expressed his opinion that nothing incorrect or unfriendly had been intended by Jefferson or Randolph and complained of the severity of our Letter—spoke of the difficulty of his situation and of the necessity of his conducting with great caution. Mr. Jay explained our situation, the purity of our views, the anxiety for the public peace wh. had stimulated our conduct, and the wounds inflicted upon us in consequence of the Part we had acted ; that under such circumstances we were entitled to

the full Force and disclosure of those Truths which would justify us in the presence of our fellow citizens ; that we had asked nothing ; but that when Genet had made requisitions of him in order to humiliate us, it was not to be expected that there should have been even a suppression, much less a misrepresentation of the true history of the transaction in question.

Much conversation passed at this interview ; the President expressed his friendship for Mr. Jay, and his respect and regards for me, &c., &c.—Mr. Jay finally proposed to the President by way of concluding the affair—that he should furnish us with an authenticated copy of Mr. Jefferson's Report, or of so much of it as related to Mr. Genet's Decon., and that the original Draft of the letter that we wrote to the President, should also be delivered to him.

This arrangement was agreed on—Mr. Jay sent the Draft to me immediately on his return to New York and I delivered it to the President, wh. together with the Letter, and a paper in the President's handwriting justifying his conduct and which he gave to me to read, he, in my presence, put into the fire. On this occasion a conversation between me & the President took place, similar to what had passed between him and Mr Jay. He spoke in Terms of complaint of his difficult situation and of the intrinsic embarrassments of the last summer. I spoke to him respecting Fauchet, the new French minister, who had that day arrived in town and intimated my concern relative to the Fate of Genet ; so long as we were in danger from his Intrigues, we wished him ill—that no longer existing we felt compassion and were anxious he should not be sacrificed. The President observed that Genet's situation was to be pitied, and, if understood, would be seen to be very distressing. I then apprehended what he alluded to and wh. a few days after explained to me, when in consequence of a note from him, I waited on him to receive a certified extract from Jefferson's Report of the interview between him and Dallas. The President told me, that *Fauchet* had demanded the delivery of Genet, in order to send him to France by the Return of the ships of war in wh. *he* arrived ; that this demand was made before Fauchet produced his credentials, and for *this* reason, that Genet being an officer of France might well be demanded and that the delivery of him while in the character of minister, would not

affect the question of surrendering private criminals, who might have fled and obtained asylum in our Country ; that it had been concluded that it was best to refuse this requisition ; that Fauchet had then been received as Genet's successor and that enquiry had been made whether the Government would wink at an attempt to seize and send Genet to France ; that this had been discountenanced and upon this Principle—that our Country was divided in their opinions about the French affairs, that we were not sanguinary in our Temper, that Genet's recall was an act of complaisance to the country, that in case of his being sent home, he would be guillotined, that his recall was intended to satisfy us, that this was enough ; and that we ought not to wish his punishment, that this would excite Parties, and as the proposal of sending Genet to France was probably intended to satisfy us, if it failed through our disinclination, it would excite no displeasure in France.

Previous to the arrival of Capt. Culver, who was sent with the letters requesting Genet's recall and who brought back assurances that he should be replaced, the Proceedings of the South Carolina Legislature respecting the Enlistment of Soldiers in that state by orders from Genet were received by the President.

A question was made in the Executive how it ought to act upon that occasion. Hamilton and Knox advised the immediate dismissal of Genet, and the annunciation of it, accompanied with a strong message and the Proceedings of the So. Carolina Legislature, to Congress—Randolph doubted, suggested the constant expectation of the return of Capt. Culver, & of the probable recall of Genet ; that the proposed measure was a strong one ; that we were a new government and that Parties might be engendered by so energetic a course.

And as a middle way it was submitted to the President, for consideration, to send a message to the Congress, declaring his Resolution to dismiss the French Minister, unless within three days one or the other Houses should request otherwise. Hamilton conferred with me, and I think with Ellsworth, and some others, upon this subject—I opposed the project of the provisional Dismissal, on the ground that it was throwing the Apple of Discord into Congress, and would inevitably produce a violent struggle and convulsion.

This project was relinquished. The President took time to consider the subject, and on the morning of the day on which Culver arrived from France with assurances of Genet's Recall, the President had announced to the heads of Departments that he had well weighed the question and had come to a decision—that he possessed the Right to dismiss, that the occasion would justify dismissal and that the Duties of his station required of him the exercise of this power in the immediate dismissal of Mr. Genet. Orders were therefore given to make the requisite preparations to communicate this Resolution to Congress. Culver arrived and the measure was suspended.

CHAPTER XXVII.

Captures of American Vessels by British, French, and Spanish Cruisers—Mr. Giles's Resolutions against the Secretary of the Treasury—Massachusetts Politics—Mr. Alsop urges Mr. King to resign from the Senate—Mr. Hamilton's Defence of certain Acts as Treasurer—Fitting out French Privateers in Boston—Address in New York to Mr. Genet—Approval by L. Cadwalader and others of J. Jay and R. King's Publication relative to Genet's proposed Appeal against the President—Yellow Fever in Philadelphia.

JOHN ALSOP TO R. KING, PHILA.

N. Y., Jany 6th, 1793.

DEAR SIR :

I am glad to hear that Congress have resolved to arm against the Algerines. I wish they may not be forced to arm against some other powers ; you will see by the papers that the British, French & Spaniards have captured and condemned as prizes to the captors several of our Vessels & Cargoes, I think contrary to the laws of nations : in short they treat us as if we were children ; their conduct, if continued, with the Algerines, will soon put an end to our commerce, and of course our impost, as we are not able to defend ourselves at Sea. I know of no alternative but to adopt a non-importation from all those abusive powers : this method in the years 1765 & 1769 had the desired effect, all but the 3d upon tea whh. we passed over. For my part I wou'd turn my coat twice or wear homespun rather than to submit to them. These are my political sentiments, but the wisdom of Congress will without doubt act as they may judge best. A vessel arrived Saturday from the W. Indies advises that the British have carried into Antigua one of our homeward bound Indian vessels. . . . What they intend doing with her can't say. The cause they assign for the Capture is that she touch'd at the Isle of France on passage from Bombay. . . .

Yrs.,

JOHN ALSOP.

R. KING TO DR. SOUTHGATE.

PHILADELPHIA, January 27th, 1793.

DEAR SIR :

. . . I have nothing new or interesting to inform you of—our sessions will close in four or five weeks, and I shall return to the peaceful bosom of my family—a scene in all respects different, and more agreeable than that in which I am here engaged. . . .

Truly your Friend,

RUFUS KING.

C. GORE TO R. KING.

BOSTON, March 10, 1793.

MY DEAR FRIEND

. . . I have not enjoy'd so much real satisfaction, in our public affairs, since your session commenc'd, as on reading the resolutions offer'd by Giles on the report of the Secy. of the treasury,

* The resolutions here referred to were offered by Mr. Giles and read on February 28, 1793, three days before the final adjournment of Congress on the evening of March 2. They accused the Secretary of the Treasury with various violations of the laws in the use of the moneys of the Treasury, which were specified, and which, in the address introducing them, were characterized in severe terms, even as peculations. The motive was evidently to push them rapidly through and was exposed by Mr. Wm. Smith in these words :

"Why were the resolutions brought before the House? Was it not to substantiate the truth of them by a vote? And had the prosecution succeeded, would the Secretary have had an appeal to the public? No, the resolutions would have been sent to the President, and the Secretary would have been removed, disgraced, and ruined forever without appeal."

Mr. Barnwell, speaking against the resolutions, said that before discussing the observations which yesterday fell from the gentleman, he was "extremely happy that, in passing the medium of that gentleman's examination, this subject had changed its hue from the vile stain of peculation to the milder coloring of an illegal exercise of discretion and a want of politeness in the Secretary of the Treasury."

Mr. W. Smith said : "In recurring back to the origin and progress of this examination, it must appear somewhat surprising that that which, in the commencement of the session was sounded forth as gross peculation, now turns out to be nothing more than a mere substitution of funds, and that that which was

* *Annals of Congress*, 1791-1793, pp. 962, 963.

and their fate in the house. The views of the party are so clearly portrayed in their resolves, that they cou'd not have expected defeat. The conquest to the cause o' Government & the reputation of Hamilton must be as glorious, as it was unexpected. If sense of shame cou'd be roused in the heads of this faction, one would naturally expect some signs of remorse—but of this, I suppose, there is no hope. And with all the avowed regard to rotation in office—with all that earnest solicitude for retirement & philosophy, the patriotic Jefferson, we understand, will consent again to serve the people.

Our Senate and house are at war, about the mode of choosing a Senator. The house, after having several times non-concurr'd Strong, & sent up Jarvis, which choice of theirs was not acceded to by the Senate, resolved by a great majority, that the mode of electing a Senator shou'd be by joint ballot of both houses in one room assembled. The Senate non-concurr'd the resolve, and sent down Strong. I have heard that if the house do not agree to this choice, the Senate will make no farther choice this session.

The house on a question being made relative to the incompatibility of an election as representative to Congress with a seat in their body, decided in favor of the member, who was an object of the vote, retaining his seat. Austin in Senate made a like motion which was intended to affect Coffin. No one seconded the motion. The Governor pushed on by S. Adams & Warren has sent notice to the house that Coffin, Cobb, &c., are elected to represent the inhabitants of Mass. in Congress; this is intended to re-agitate the question. Dexter considering it unimportant and desirous of avoiding disturbance sent in his resignation.

We can predict nothing certain of the next election; tho' Holten is, to all appearance, the most likely to succeed; and, I

announced as abominable corruption has dwindled away into a mere drawing of money from Europe into this country, to be applied here according to law."

The House rejected these resolutions by very large majorities.

Hildreth concludes his review of this matter thus, 2d ser., vol. i., p. 465:

"The result of this was, however, much to raise the character of the Secretary of the Treasury by convincing the great body of impartial men, capable of understanding the subject, that, both as regarded talent and integrity he was admirably qualified for his office, and that the multiplied charges against him had been engendered by envy, suspicion and ignorance."

believe the friends of order & government will generally vote for him : but it is difficult to raise them to any exertion. Mr. Bowdoin's friends have desir'd Mr. Holten to resign as a candidate, thinking that their favorite, if a candidate, might obtain the election. But Holten does not think it wou'd be treating the community well to relinquish his pretensions, and many concur with him in this idea ; for Austin would surely distance Bowdoin in such a race. . . . Your friend,

C. GORE.

J. ALSOP TO R. KING, PHILA.

NEW YORK, March 18, 1793.

DR. SIR :

Yours of 16 is just come to hand. I agree with you that we are in an alarming situation, and if my health will permit, I wou'd by no means ask your resignation, as it wou'd be esteemed either Careless or Slighting our common cause, which at this juncture requires most certainly prudence and firmness. I therefore at present shall say no more about it whilst I can keep my pen in hand for you know there is no one to apply to but myself. I am better than when I wrote last, but don't expect to get out of my room for many days and perhaps weeks. You will therefore act intirely under your own judgement & shou'd I require your presence shall give you timely notice.

Affectionately,

JOHN ALSOP.

A. HAMILTON TO R. KING.

PHILADELPHIA, April 2, 1793.

MY DR. SIR :

When you are acquainted with all the facts, I think you will alter the opinion you appear to entertain. My application comes literally within your rule. The loan is necessary for the current expenditure, independent of any new advance to France, or of purchases of the Debt. This has arisen from my having been under the necessity of remitting to Holland for a payment in June of 1,000,000 of Guilders as an installment of the Principal, and 470,000 Guilders for interest of the Dutch Debt. Late advices rendering it problematical whether a Loan could be obtained

For the purpose of the installment, it became necessary to make the remittance to avoid danger to the public Credit. Hence without a loan from the Bank, I ought to calculate upon a deficiency in the present Quarter (remember we are in April) of 672,023 Dollars and 26 cents, and on the next of 325,447 Dollars and 28 cents.

This is the result of as accurate a view of Receipt and Expenditure as can now be taken. You will anticipate that by all the expenditures not falling *actually* within the periods, to which they are applicable, the real deficiency would not be as great as the calculated; but you will at the same time perceive that the view given supposes a state of the Treasury which renders an auxiliary indispensable.

At the same time I cannot think but that you apply your principle too rigorously. I ought not to be forced to *divert for a length of time* funds appropriated for other purposes to the *current* expenditure. To compel this would be in substance to withhold the means necessary for the *current service*; for it would oblige the Treasury to employ an adventitious resource, which ought not to be so employed, and *that too* at a time when it would be employed advantageously, according to its original and true destination. I therefore think, independent of the real exigency, the Bank ought to make the loan.

The loans to the Government stand on very different considerations from those of Individuals. Besides the chartered privileges which are the grant of the Government, the *vast deposits* constantly in hand, and which ordinarily exceed the loans from the Bank, frequently very greatly, are an advantage, which, generally speaking, bear no proportion to the dealings between Individuals and the Bank.

Consider what has been the state of things for some time past, and the real *sacrifices* which have been made not to distress the Institution. If for such accommodations equivalent services are not to be rendered, they could not easily be defended. Besides from the necessity of having a considerable sum on hand in the Treasury, and the natural course of business, the Bank is pretty sure of having always on deposit a large part of what it lends to the Government. This does not exist in anything like the same degree in the case of Individuals.

You seem to calculate that the past advances will not be replaced. On the contrary, it is my intention pursuant to stipulation to repay, as fast as the funds come in applicable to it, and in the *last Quarter* of the year, I hope to make a considerable progress in the reimbursement. Till then it will not be practicable.

I do not know whether Mr. Kean stated to you the nature of my proposal. It was that the payments should be made in 4 equal monthly installments : the first on the 1st of June, and that each installment should be reimbursed in six months. The real advance of the Bank will be very temporary indeed before greater sums will come into its vaults from the duties. In the last quarter of the present and the 1st of the insuing year, very large receipts may be expected.

You are sure that while I seek to put myself in a proper posture, I shall not fail to have a due regard to the safety and interests of the Institution. It is much to be wished that I could be enabled to make some purchases though this will not be the case with the loan in question unless a loan shall also have been obtained in Europe.

A meeting of the commissioners has lately been called by Mr. Jefferson out of the course heretofore practiced, in which I have been pressed to declare whether *I had or had not funds applicable to purchases*. I answered so as to be safe. But you readily perceive the design of the movement. There is no doubt in my mind that the next session will revive the attack with more system and earnestness : and it is surely not the interest of any body, or any *thing*, that a serious handle should be furnished.

On the whole I am persuaded that the Bank can do what I ask without real inconvenience to itself and my situation is such that I shall be compelled to find an auxiliary.

All the cry here is for peace. How is it with you ? Adieu.

Truly & affectly. yours,

A. HAMILTON.

A. HAMILTON TO R. KING.

PHILA., May 2d, 1793.

The failures in England will be so seriously felt in this country, as to involve a real crisis in our money concerns. I anxiously wish you could be here to assist in the operations of the Bank of

the U. States. Never was there a time, which required more the Union of Courage and Prudence than the present and approaching Juncture. You can imagine all that I could add on this subject. Is it impossible for you to spend a month with us.

Yrs truly

A. HAMILTON.

JAS. SULLIVAN TO R. KING, N. Y.

BOSTON, July 20th, 1793.

DEAR SIR :

We are endeavouring to preserve some memoirs of the District of Maine. I think you will feel an interest in the business and therefore address this letter to you.

There are the remains of a very antient settlement on the river Pemaquid. The history of that settlement is lost ; but I believe that it was made by People who went there under the Province of New York. The whole northern part of the continent was granted by James 2nd to the Duke of York. The aged People say that the country down to the east of Sheepscott was settled under the Duke : some say it was called the County of Cornwall, others that it was the County of New Castle and that one Dungan was governor. I wish you to search the records of New York State to see if you can find anything said on this subject. It must have been between the years 1648 & 50.

Your friend & Servt.

JAS. SULLIVAN.

(No answer to this letter can be found.—ED.)

C. GORE TO R. KING.

BOSTON, August 1, 1793.

MY DEAR FRIEND :

. . . Since the arrival of the new V. Consul a small vessel, of about 67 tons burthen, was fitted out as a privateer & sailed from the wharf in Boston about 10 o'clock of a Saturday night. She continued in the harbor 'till Thursday night or Friday morning, when she return'd to town. During her stay in the harbour she chased several vessels. There were on board two Americans;

agt. whom I obtained a warrant from Judge Lowell, but the marshall has not yet been able to apprehend them. They keep secret. Their names were placed on the back of the Commission. The Consul, tho' he first gave his reason, why she went in the night and in so great hurry, that several British vessels were about to sail, afterwards affected to disapprove the conduct of the privateer in remaining in the harbor, & I suppose by his order she returned. The Captain of her visit'd Boston every day while she was in the harbor. The size and accommodation render it almost certain that she was intended merely as a cruizer in our harbor and bay. I wrote a statement of all the circumstances & transmitted them to Mr. Lear, to be shewn to the President. I likewise communicated them to the Atty General & desired his advice, what steps shou'd be taken against vessels thus insulting our coasts and offending against the laws of neutrality. For tho' I am at a loss to account for the conduct which the public papers announce to us to have taken place relative to the Little Democrat, I cannot hesitate in concluding that the French have no right to fit out privateers in our harbors.

Jarvis and Austin are singular in their opposition to our neutrality, as well as their intimacy with Du Plaine. They are the only persons that have any pretensions to the character of gentlemen, that are acquainted with him. Du Plaine sent on Friday (the day the privateer returned to Boston) a memorial to the Governor, informing him, as of his own knowledge, that a british vessel was arming in the harbor, agt. the 22d article of the treaty with France, and stating in the memorial that she had on board 4 Carriage & 2 Swivel guns. I happen'd to be at the Custom House when the memorial was sent there by the Gov. for information, & requested the Surveyor to examine the fact. He did, and found that she had two swivel guns on her quarter deck whh. she had on board when she came in & were used merely as signal guns the ship had always carried with her. This vessel had been detained in port from Monday till Friday for fear of the pickeroon fitted out by the Consul & others. I entertain but little doubt that this man is issuing commissions in numbers. He says he has Genet's orders so to do.

Your affectionate friend,

C. GORE.

G. CABOT TO R. KING, NEW YORK.

BEVERLY, August 2, 1793.

DEAR SIR :

This morning's mail brought me your favor of the 27th of July. I thought a publication of some of the ideas it contained, with others which were naturally excited, might be useful & therefore after giving them a little change of form and arrangement, have *set them off* for the press: but as they are gone by a subterraneous passage & under the patronage of another gentleman, it is uncertain whether they will ever appear, or if they do, in what shape.

The people in this part of the country have but one wish respecting the National peace, and that is that it may be preserved. Excepting a few factious men in Boston & a *very few* in other places, they are well united too in the Sentiment that the President is the proper Guardian of the public tranquillity, & that the measures he takes to secure it, are fit and proper & ought to be supported. Our commercial and maritime people feel themselves deeply interested to prevent every *act* that may put our peace at hazard; but who can restrain opinions? The cause of truth requires that they shou'd be free and will on the whole profit by this freedom. Unfortunately the propagators of falsehood are the most industrious, and, for the moment, the most successful. Indeed they are most of them stimulated by the strongest personal motives, while their opponents are actuated chiefly by a love of the public. Who can doubt on which side victory will be in such a contest? It has been with surprize as well as concern that I have seen the rapid progress of Jacobinical principles since my return from Philadelphia. Until *Pacificus** appeared there were very few Persons, whose ideas were tolerably just respecting the relation of the U. S. to France. Indeed there are not many now who think correctly upon the subject. But for these erroneous sentiments the friends of Government are as blameable as their adversaries. Why have they not always told the truth, at least so much of it, as wou'd have enabled the

* A series of articles published by A. Hamilton—the first of which appeared June 29, 1793. Their object was to repel the charges against the President of having issued the Proclamation of neutrality without authority.

People to understand that France, in the aid she gave to the U. S. was actuated by policy, or to speak out, by Ambition? Why has it been concealed that from the first moment of her connexion with us, she inserted herself into *all* our councils? that by her influence there, she procured measures that placed the most precious interests of our country at her own mercy? that she obstructed our commercial views—that at the treaty of peace she endeavour'd to depress us—& in a word, that she has constantly seem'd to keep us low, imbecile & dependent? &c., &c., &c.

But all this declaration is out of time.—Altho' I have lived much at home, yet I have not been wholly inattentive to what was passing these few months, and previous to the receipt of your letter had promoted in some degree the measures you wish. It will be useful to rouse the sober part of the community & oblige them to attend to a subject, the discussion of which can no longer be avoided. I am always happy to hear from you, & remain with sincere esteem your friend, &c.

G. CABOT.

C. GORE TO R. KING.

BOSTON, August 4, 1793.

MY DEAR SIR :

I received your favor 27. ult. by the last post & having written you the day of its receipt, in hopes of more intelligence by this post, I delay'd telling you that all our seaports are hearty in their approbation of our neutrality, that from Penobscot to this place they are making resolutions similar to those of Boston. From time to time as they come in, they will be inserted in the public papers. The opponents are diminishing in numbers and influence. Very erroneous notions, on our obligations to aid France, have prevailed. The writings of Pacificus have done much good; others are producing a conviction with respect to the precise tenor of our national duties. On Friday evening I receiv'd notice that a vessel fitted as a privateer, and destin'd to cruize against the enemies of France, had been equipp'd at Hingham & then lay in the gut of Nantasket. I requested the Surveyor of the port to send a boat & examine her, which was

done, & the officer reported that she was in every respect fitted as a privateer. While the boat was gone, Mr. Jutau, Chancellor to the Consul, carried the commission of this vessel to the Custom house & shew'd it to the officers of the revenue. I made a memorial, as attorney for the U. S., to the Governor, & stated these facts, & accompanied this memorial with affidavits verifying the statement, and pray'd him to stop her from going to sea. I presented it in person & was graciously receiv'd. His Excellency promised to investigate the case and to do whatever he cou'd constitutionally. Immediately after, I saw Mr. Sullivan, who says that the Governor can take the vessel into custody, and hold her until the President shall give order concerning her; & that he wou'd so advise him. This morning, I understand from Mr. S., the Governor order'd the Castle barge to visit her and report to him; and so soon as the commanding officer of the Castle returns he will send all the papers to him, Mr. S., who has promised to consult with me.

I have now a prospect of attaining compleat evidence that some of our citizens, & some french residents here, have fitted out this vessel, which was purchased a few days since of an inhabitant of New Port. The evidence may probably be full against Jutau, Chancellor to the French Consul. If this shou'd be the case, I shall make complaint to the Judge of the District, & pray that he may be bound over to answer at the next Circuit Court. Suppose the evidence to be direct against the Consul, I shall certainly think it my duty to offer to the Grand Jury a bill agt. him; but as I wrote, a week since to the Atty General, & requested his opinion as to the propriety of causing the Consul to be bound over, I shall delay to do anything relative to him for the present; but if there be any hazard in prosecuting the Chancellor, I shall take it on myself, if the evidence will support a complaint. I know no immunity to a consul or his chancellor, that authorizes their commission of crimes, or will protect their persons from justice. The Convention between France & the United States expressly declares that they shall be subject to the laws of the land, as the natives are, with some exceptions as to personal service & an immunity for their papers. Notwithstanding this, the prosecuting either of them will cause a great clamor. We have a report that the privateer owned or commanded by

Citizen Neben has been captur'd by the Boston Frigate and sent in to New York. If this is true, though the privateer may be ordered out, Neben may probably be in New York & likewise one Whitesley, who was in the privateer & was an inhabitant of Boston. Neben lived here many years & I believe was naturalized : This, I shall ascertain. But it is very probable that the privateer was own'd in great part in Boston. I shall write by this post to Mr. Harrison and request him to examine some of the people, or the papers on board, & if it shall appear who were the owners, to inform me ; when she sail'd from Boston Isaiah Doane did own part of her & I believe James Lovell junr. The hour for closing the mail is arriv'd, and the Governor's barge not return'd. I have communicated this transaction to Lear to be laid before the President.

Yours affectionately

C. GORE.

R. KING TO A. HAMILTON.*

NEW YORK, Saturday, August 3d, 1793.

The French fleet from the Chesapeake arrived here yesterday and are in the North River, above the Battery. The Ambuscade also arrived last evening, and her accounts, confirmed by those of many spectators of the combat, leave no doubt of the flight of the English frigate.

You will have seen in our newspapers, an invitation for a meeting in the fields to address Mr. Genet, who is daily expected here. This business originated with M. Smith, Osgood, B. Livingston, Nicholson and others of like political character. Between two and three hundred persons assembled, and I am told they were generally anti-federal. Nicholson was in the chair. An address was produced and adopted, and a committee of thirty or forty persons appointed to present it.

These gentlemen will not be stopped by trifles. They already affirm that the cause of France is that of America ; that it is time to distinguish its friends from its enemies ; that in respect to the rumor of Mr. Genet's appeal to the people from the decision of

* Hamilton's *Works*, vol. v., 572, N. Y., 1861.

the Executive, the people are competent judges of their own interest and obligations ; that there can be no danger to them from the free exercise of their judgment on so great and interesting an occasion. True it is that their decision may displease men in high authority, but that will not prove their judgment to have been erroneous—nay, some of these gentlemen go further, and not only excuse, but applaud the decree of the French convention, which not only contravenes our treaty of Commerce, but grossly violates the best established rules in the law of nations. In short, my friend, unless the Executive will quickly and vigorously exercise its *powers* in checking the influence of Mr. Genet, it may experience the mortification of seeing them perish in its hands. Our Chamber of Commerce will on Tuesday pass resolutions approving the proclamation, and we are resolved to try the citizens for a like purpose. But this is altogether wrong. We have with great trouble established a Constitution, which vests competent powers in the hands of the Executive. It is the duty of that department to see that the laws are executed, and the peace and order of the community preserved. It was never expected that the Executive should sit with folded arms, that the government should be carried on by town meetings and those irregular measures which disorganize society, destroy the salutary influence of regular government and render the magistracy a mere pageant.

The decrees of the French convention have thrown the mercantile people into the greatest embarrassments. Insurance on American vessels and cargoes cannot be made without paying war premiums. I am told that where four or five per cent was given, eighteen or twenty are now required. Adieu.

Yours &c.

C. GORE TO R. KING.

BOSTON, August 8, 1793.

MY DEAR FRIEND :

When I wrote you on Sunday, I had the fairest prospect of succeeding in my endeavors to stop the french privateer but an hatred of the Union prevailed over even the love of power, or an exercise of sovereignty.

The Governor's* messengers reported the state of the privateer to be as represented in my memorial—The atty general gave his opinion in writing that her fitting here was contrary to the law of nations, and a breach of neutrality—and that unless the V. Consul wou'd order her to the Wharf, & detain her till the President's pleasure should be known, he, the Governor, shou'd take her into custody, & direct the Secretary of the Commonwealth to communicate his doings to the Secy. of State, & request the orders of the president what further shou'd be done respecting her.

This opinion in writing sign'd by Mr. Sullivan was delivered to the Governor on Monday noon—all that day & Tuesday the little schooner mentioned in my former letter was employed in transporting stores from Boston to the sloop in Nantasket roads and on Tuesday afternoon she sailed arm'd equipp'd & commission'd as a privateer to cruise against the enemies of France—I wrote a note on Tuesday evening to the Secretary of the Commonwealth, requesting to be informed if his Excellency had been pleas'd to take any order on the subject matter of my memorial—to this I have received no answer The Governor I have no doubt was well dispos'd, but the Lt. Governor† as I learn was bitterly oppos'd to my interfering.

I made a complaint against Jutau & one Woodward for fitting out the privateer & supported the complaint by affidavits—it hath been before the Judge since Monday—He express'd some doubts—and as I had no reason to apprehend their absenting themselves, & the vessel hath sail'd, I mean to refrain calling on him till after Saturday night, when I expect to hear from the Atty Genl & Mr. Lear.

Yours affectionately,

C. GORE.

L. CADWALADER TO R. KING, N. Y.

TRENTON, Aug. 25, 1793.

DEAR SIR :

. . . I was much pleased with the Publication signed by Jay & yourself relative to the Conduct of Mr. Genet in Philadelphia. I suppose it an indirect Measure of the Government to authenti-

* Gov. John Hancock.

† Samuel Adams.

cate a Charge of so important a Nature, the Truth of wh. had been rendered problematical by the positive Denial of the Minister's Partisans. This and the subsequent Measures of the Executive I highly approve, as they are calculated to maintain the Dignity of the Government & to preserve in the view of all Mankind the declared Neutrality of this Country. But if Genet's Conduct, previously to his writing the letter to the President lately published, had not in the Opinions of some sufficiently marked him as a factious turbulent Man, the Terms of that letter must convey the fullest Proof of it to every unbiassed mind.

It is easy to imagine that this Man will give a colour to the Transactions here relative to his Mission, to those who sent him, as favorable to himself, as it will be unfavorable to this country : but not so easy to decide what, in consequence, will be the measures of a Body of Men so exceedingly intemperate and phrenetic as that of which the French Convention is now composed. Such, however, is the Effect of Making his Conduct known to the World, that I can assure you, as far as my information extends, a very great Change has taken Place in the Sentiments even of his warmest friends and Partisans. . . .

With great regard, yours sincerely,

L. CADWALADER.

PHILEMON DICKINSON TO R. KING, N. YORK.

HERMITAGE, 25th, August, 1793.

DEAR SIR :

My Son, with his friend Mr. G. McCall intends setting out in the morning on a tour to the Eastward. I could not suffer him to pass thro' New York, without paying his comps. to you and my congratulations on the warm support, given to the President's wise and prudent measures. The sense of the Union, thus early expressed, will, I flatter myself, be productive of happy consequences. We ought to be, & I hope are, too sensible of the blessings we enjoy to part with them easily.

I am sorry for the loss the Senate will sustain in our friend Read, who has accepted the Chief Justiceship of Delaware.

With real esteem, &c.

PHILEMON DICKINSON.

ISAAC WHARTON TO R. KING, NEW YORK.

WOODFORD IN PHILAD., Sept. 23, 1793.

DEAR SIR :

I address this letter to you, from a Place, I purchased for 6000 Dollars 4 weeks ago., & then with my family retreated to, to avoid a malignant Fever, which for upwards of 6 weeks has raged in the City—and for the last three weeks, with so much violence as to sweep away many hundreds of the Inhabitants—nor has it as yet abated. Many respectable Merchants have died ; the greater part of the first Families are driven into the country. Indeed the citizens have retired in such numbers and Death has playd such havock, that the streets seem desolate. The best Houses are deserted ; stores are generally shut up ; Commerce stagnated, & the once gay and flourishing —. But let us quit the melancholy scene. May Heaven preserve your City from such a dreadful Calamity.

I do not recollect any of our particular Friends having perished by this destructive Fever, which began in Water Street, nearly opposite to where I lived. Mr. Thos. Lee, son of Judge Shippen, fell a victim to it, yesterday ; I think you knew him ; he was a respectable character.

Twice a week, I drive in my Coachee to the Bank ; and did I not deem it an indispensable Duty, no pecuniary Consideration would induce me to visit the City. Our President was attacked about two weeks ago, and, tho' it's said slightly, yet he is so feeble that he has not since then been at the Bank. Mr. Kean attends closely and from the death, sickness & absence, or rather desertion of the Subalterns, has much to go through ; nevertheless he perseveres with undiminish'd Ardour, and considering how many additional services have devolv'd on him, acts with great diligence and perspicuity. Mr. Fisher attended regularly until about 10 days past, when he was likewise attacked by the disorder ; but has, it's understood, so far recovered, as to be out of danger ; all of his family have been ill, particularly his Bro. Samuel, tho' fortunately none of them hath deceas'd.

We (the Directors) are reduced to four. Mr. McCall, who is our President (in the absence of Mr. Willing), Mr. Ball, Mr. Smith & myself : who have not withdrawn ourselves a single day, not-

withstanding each of us live out of the City. In justice to Mr. Wheelen let me add, that, tho' he resides 12 miles off, he generally attends. Mr. Dalton went about 3 weeks past to Boston, Mr. Breck to Bristol, Mr. Bingham continues at Black Point and Capt. Anthony (who, poor man, lost a few days ago his Son & Partner) has not return'd from his visit to New England. I had promised myself a tour of two or three weeks ; but whilst B— &c are basking in the sunshine of security at their distant seats, *four* of us are exposed to all the dangers and Inconveniences of this afflicting awful Period, hazarding our Lives and Fortunes. For should we not attend, Discounting would cease, Deposits be withdrawn and the bank ruined—but we must persevere at all risks. We discount all the good paper, which is offered, tho' from the peculiar situation of the city, its not considerable. Appearances are favourable, that the Bank will not be injured by non-payment of any of the Notes, tho' payment of some, will by the decease of the payee, in a few instances, be procrastinated.

To Mr. Alsop be pleas'd to present my unfeigned Regards and to Mrs. King Mrs. Wharton wishes to be conveyed the affectionate remembrance of the sincerest Esteem.

Should any urgent Matter compel you to undertake a journey for Philada., before its Health is restored, I hope you will come to where I now reside, which is on the Ridge Road, 4 miles from the City & about half a mile below Mrs. Lawrence's, in a large two story brick House, about 300 yards from the Road—where we shall, need I add, be always happy to receive you ; but more especially when you can approach so near to the City with perfect safety. Adieu. May Health & Happiness be long enjoyed by you, your family & Friends.

ISAAC WHARTON.

P.S.—I shall send this letter to morrow morning from the Bank—without a clerk, I cannot transcribe it & therefore hope you will excuse its incorrectness.

Please to pay my respectful Compliments to Mr. Lawrance, Mr. Low, Mr. LeRoy and other Friends. Tell Mr. Low, Mr. M. Lewis, our common friend, has lost his eldest son—another is very ill—This ruthless fever spares not even the Bloom of Youth ; and, to add to the distress of the City, the Physicians do not agree in

the best mode to oppose it. You are doubtless apprized of the recovery of the Secretary of the Treasury & his lady and that they set off a few days past for General Schuyler's.

Bank of United States. Tuesday, Sept. 24th.—Our little Company is met, with the addition of Mr. Wheelen. The Bank in respect to cash and its relation with the Banks of Pennsylvania & No. America, stands well. The former Bank owes to our Bank, more than we are indebted to the latter, which is a pleasing circumstance. We discount less than the Branch in your City, by nearly one half. The Branches are doing exceedingly well. Once more adieu.

I. W.

We learn the Fever is not lessened—many deaths this morning.

ISAAC WHARTON TO R. KING, NEW YORK.

WOODFORD IN THE COUNTY OF PHILA., Oct. 21, 1793.

It is, my dear Sir, a late hour to acknowledge the receipt of your Favour of the 25th Ultio, but the Communication from the Cashier, by order of the Board, to you & the other Gentlemen Directors, residing in New York, made it less necessary—unless it were from the satisfaction derived from an epistolary Correspondence with one, whom we highly esteem—And yet our City has been such a Spectacle of Disease, Misery & Death, as to absorb almost every other Consideration than those arising from local and personal Duties. Now, however, I have the inexpressible pleasure of assuring you the Fever, which has so long and so unmercifully ravaged the City, has greatly abated—and, if it should please Heaven to send a heavy Rain, no doubt is entertained of the Disease being immediately removed, the Merchants returning, and Commerce reassuming its former Spirit and Vigour. Perhaps no City ever experienced a greater Portion of Health, before this ruthless Disorder was introduced from Hispaniola, and no place, except perhaps Marseilles, London, or Constantinople, during the visitation of the Plague, ever suffered more. For from the most accurate Calculation I can form, I conceive the deaths to be not less than 3000. Ought not this

awful Example to teach us and our Sister Cities, to form such coercive Regulations, as will in future prevent the introduction of such a dreadful Evil?

The Board (still consisting of no more than three!) for tho' Mr. Fisher is recov'rd, yet so subtle and dangerous is the Disorder, we do not encourage his attending & Mr. McCall's advanced Age & other Circumstances, prevent him, tho' we consult with him on all important Questions) will by this Post reply to three letters received from you & your Brethren, and, I hope, in a satisfactory manner.

Individually I wish to say to you, that a removal of any part of the Specie, now in the Bank, would be instantly known (it could not be kept a secret) and be attended with the most serious Consequences. It would beget Suspicion & Alarm, & create a sudden & dangerous Call from the Depositors. Do not therefore I entreat you, for this and other weighty reasons press the matter. It's highly probable, a fortnight of such cool weather, as we now have, will revive trade and occasion as many Applications for Discounts as the Bank can with Prudence grant. Beside, why should any Hazard be run for the sake of employing one or two hundred thousand Dollars for a few Weeks? In respect to the pecuniary Matters of Government, in relation to the Bank, every facility has been given—not the smallest difficulty has occurred, and there is every Reason to conclude none will. Pardon these observations; I would not trouble with them, but I believe them to be well founded.

Not one of the Absentees have returned to their duty—no, not even Mr. W—g. We wrote a plain letter to each of them, more to justify ourselves than in expectation of receiving any Kind of Advice or Assistance, and we have *not* been disappointed. The Approbation we have rec'd from *you* and our Brother Directors in *New York*, is highly gratifying to us.

Be pleased to present me in the most affectionate & respectful manner to Mr. Alsop.

Your obliged & faithful friend

ISAAC WHARTON.

I shall dispatch this letter from the Bank.

. . . It's understood that the President of your Branch has written to Mr. Kean in Terms very dissuasive of his attending

the Bank. Certainly this is very indiscreet. However, Mr. Kean having stood his ground with remarkable firmness, will not surely now retire as the Danger is diminishing, & the Bank is better officered than it was during several weeks. Keep this information to yourself. Mr. K. *is unshaken*. It bids fair to rain. May Heaven send a long & heavy one—it would do more good to the poor City than all the physicians or the art of man.

Bank of U. S. Tuesday 10 o'clock—Mr. Ball, Mr. Smith & Myself are again met ; much rejoiced at the Accounts brought in of the City convalescing very fast—Unfortunately the appearance of Rain is gone off, tho' the weather is cool. The Business of the Bank is conducting with regularity and the Officers are attentive. Our worthy Friend, Mr. Jas. C. Fisher is just come in, recovered in his health and so are all his amiable Family. They were sick for weeks together.

Adieu,

I. W.

CHAPTER XXVIII.

Mr. Fenno's Troubles in carrying on his Paper—Algerine Depredations—Mr. Jay on Dallas's Denial—It should be answered—Other Letters on the same Subject—E. Benson proposing J. Jay as Candidate for Governor of N. York—Algerine captures of American Vessels—J. Jay advises Regulations for the Federal Courts.

J. FENNO TO A. HAMILTON.

PHIL., Nov. 9, 1793.

SIR :

After struggling for four years and an half with a complication of difficulties in supporting my publication, difficulties which no industrious person has perhaps been called to encounter since the organization of the general Government, I am reduced to a situation so embarrassing as incapacitates me from printing another paper without the aid of a considerable loan. The Types which I informed you I had wrote for are arrived. They amount to upwards of 500 Dollars. Debts, which I cannot any longer procrastinate the payment of amount to 1000. It will require 500 to procure the necessary stock of paper &c. to recommence business. A loan of Two Thousand Dollars therefore would relieve me, and not only so, but place me in a situation which would supercede probably the necessity of any further application of a similar kind. By the above statement you will perceive that matters are not altered for the better since the time I submitted a schedule of my Debts & Credits to you, which was last Spring. Tho' I have incessantly importuned my distant subscribers & agents to make payment since the 18th September, I have rec'd only 35½ dollars ; tho' accounts to the amount of 1500 Dollars have been forwarded during the period that has elapsed since. I therefore conclude that tho' I have more than 4000 Dollars due, there is no dependence to be placed on a fund so wretchedly precarious.

I have reserved myself to renew my business. Several eligible berths have been attainable in the Bank of the United States—these are now filled. There are yet some vacancies in the Bank of Pennsylvania—Mr. Fox is about leaving the office of Cashier, and the place of First Accountant is to be filled. I wish, Sir, for your counsel & advice. If the plan you suggested some time since of a subscription can be carried into effect, or if a Loan can [be] made, all may be well. If not, my career as a Printer is closed. Four years & an half of my life is gone for nothing ; & worse (for I have a Debt of 2500 Dollars on my Shoulders), if at this crisis, the hand of benevolence & *patriotism* is not extended.

Of the use of the word patriotism, no man can judge with so much propriety as yourself—for no man is so well acquainted with the springs & motives of my conduct. Wishing, Sir, that your health may be firmly re-established, & apologizing for this intrusion, which nothing but the urgency of the case can justify at this time

I am, sir, most respectfully your ever devoted and humble servant

JOHN FENNO.

A. HAMILTON TO R. KING.

MY DEAR SIR :

Inclosed is a letter which I have just received from poor Fenno. It speaks for itself.

If you can without delay raise 1000 Dollars in New York, I will endeavour to raise another Thousand at Philadelphia. If this cannot be done, we must lose his services & he will be the Victim of his honest public spirit.

Yours truly

A. HAMILTON.

Nov. 11, 1793.

Nothing further appears relative to the subject of these letters—so that it is probable the money was advanced, as the paper continued to be published.—ED.

J. LAWRENCE TO R. KING, PHILA.

N. Y., Dec. 5, 1793.

DEAR SIR :

. . . We are well pleased with the part the President has taken relative to Mr. Genet. It must be productive of much good.

Your friend & servant

JOHN LAWRENCE.

J. LAWRENCE TO R. KING.

N. Y., Dec. 10, '93.

DEAR SIR :

. . . The Algerine Business is a sad affair. The loss of vessels must be great. Is it not a British trick? I mean patching up a truce for the Portuguese.*

Yours

JOHN LAWRENCE.

J. JAY TO R. KING, PHILA.

N. YORK, Dec. 12, 1793.

DEAR SIR :

I thank you for yours of the 9th Inst. The President's speech meets with general approbation : his message has produced here its natural and proper Effect. Mr. Dallas' statement is defended by some—others call it subterfuge and harder names. I think it as artful as the subject and his Design would well admit. Mr.

* There had been no treaty with the Algerine pirates, who had captured some of our vessels and held their crews prisoners. In 1792, it had been agreed in the Senate to appropriate money for the ransom of these prisoners and then to purchase peace with the Algerines. The negotiation had failed from the occurrence of several unanticipated events, "when the business was committed to Humphreys, the minister to Portugal. In consequence of difficulties between the Portuguese and the Algerines, a blockade of the Straits of Gibraltar had been maintained of late by a Portuguese fleet, and the Algerine cruisers had thus been kept within the Mediterranean. But before Humphreys had time to act under his commission, a peace had been made between Portugal and Algiers; and, on the withdrawal of the blockading fleet, eight Algerine cruisers had issued into the Atlantic, to the great danger of American vessels."—Hildreth, *Hist. U. S.*, vol. 1. 2d ser., p. 458.

The result was that, in January, 1804, Congress resolved to "vote money to purchase a treaty, and also to provide a naval force," to protect the commerce of the United States.—*Ibid.*, p. 458.

Jefferson's Report should be, and perhaps is among the Papers referred to in the message & its publication appears to me very advisable. Mr. Benson has heard of *others* to whom Dallas declared the same thing—he will write to you on the subject. I think it important that in this case the Truth should shine, not behind a cloud however thin, but bright and with as few spots as possible. The Government, as well as those who endeavour to support it, will derive strength from it. When the evidence is all produced, Mr. Dallas' statement should not escape careful and critical examination.

Genet is by this time in Philada : prior to the arrival of the message his Friends "to show their Respect for him," had subscribed for a dinner. The message came—they were puzzled—he went away the morning of the Dinner, accompanied to the Boat by a number of Frenchmen on Horseback. The Chiefs were absent from the Dinner. I have heard that Lamb, Denning, &c and a number of Livingstons (not the Chancellor) were at it. It is thought that his abrupt Departure was the Result of Concert.

The present Session appears to me to call for more than ordinary Vigilance, Circumspection & Decision on the part of those who wish for the Continuance of Peace and good order. I expect the attack on Col. Hamilton will be renewed—if so, the malcontents should be called upon to specify their charges, which should be published. A perfect Investigation shd. then take place and the Result in decided terms be also published. Delay wd. injure him and a Defeat disgrace them. I have heard it said that Gen. Knox means to resign. I very much doubt the utility of this to him, as well as to the public—to be driven from one's station does not accord with my Judgment or Feelings. . . .

Yours

JOHN JAY.

J. ALSOP TO R. KING, PHILA.

N. YORK, 12 December, 1793.

DEAR SIR :

. . . I see by the President's letter to Congress that Mr. Genet must soon resign his office, and think Mr. Dallas must run low with all honest friends to their country. Mr. Genet set off

on Tuesday last, escorted by 10 light horse, unexpectedly, for his friends had promised a Dinner for him of which he did not stay to partake. You'll see by the last arrival here from Lisbon, that the Portuguese have let the Algerines loose upon us. They were the only power that confined them within the Straights : its said to be done by the Court of Great Britain, no doubt to encourage their own commerce and distress ours, wch. it will most effectually do, to Spain & Portugal ; and I suspect it will cost me a few hundreds, for I have five or six risks out on those voyages : our writers will not write unless they have a premm. adequate to the risk. . . .

Yours

JOHN ALSOP.

H. LEROY TO R. KING, PHILA.

N. Y., Dec. 15, 1793.

MY DEAR SIR :

Your esteemed favor of the 13th inst. I have received and thank you kindly for its contents. That such harmony exists in Congress is truly pleasing, and that it may be of duration are my sincere wishes ; but when they get upon the ways and means business, I much fear they will split again.

The Algerine business and the very serious aspect of our political situation with Europe in general, proves a damper to most people here, who wish well to the Government, lest we may be drawn into some Scrape with G. Britain ; whereas the Correspondence with that Government seems latterly to have been conducted by our Executive in a firm stile. . . . As to the Sans Culottes we have nothing to dread from them, should they even encrease their madness, by acting hostilely against us. A certain party here say, that our ministers would exult were the latter event to take place. . . .

Pray does not Mr. Jefferson mean to come forward shortly and confirm H. & K. Certificates ? Your friends here are anxious, although satisfied in their own minds of what has passed, to see Mr. Dallas Jesuistical publication contradicted palpably. . . .

Sincerely, &c

HERMAN LEROY.

J. LAWRENCE TO R. KING, PHIL.

N. Y., Dec. 15, 1793.

DEAR SIR :

. . . We look to your quarter for it [intelligence] and have much anxiety on account of the present posture of our political affairs. If Hostilities do not cease this present winter in Europe, shall we be able to keep from being embroiled in the Spring? The Intelligence communicated to Congress and the Algerine Business have had an ill effect on our Funds. They are going down, and nothing but very favorable Intelligence from across the Atlantic will raise them. . . .

Yours

JOHN LAWRENCE.

J. LAWRENCE TO R. KING, PHILA.

N. Y., Dec. 18, 1793.

DEAR SIR :

. . . I expect we shall soon hear of many more vessels being captured by the Algerines than we have already received Information about. A vessel arrived Evening before last. Information by her mentions four belonging to the U. S. This unexpected circumstance and what has transpired in relation to Executive Negotiations have occasioned considerable alarm. What to do in this state of things it is not very easy to decide.

Yours

JOHN LAWRENCE.

E. BENSON TO R. KING, PHILA.

N. YORK, Dec. 18, 1793.

DEAR SIR :

It having been supposed necessary that something ought to be done at Albany during the ensuing Session of the Legislature, respecting the next Election for Governor, some *Friends* waited on Mr. Jay a few evenings since to know his wishes and Determination. He answered, that when, on the Request of his *Friends*, he consented to become a Candidate at the last Election, the Office of a Judge of the Supreme Court of the U. S. was in a Degree intolerable, and therefore almost any other office of suitable Rank and Emolument was preferable; but that, in consequence of the Relief which Congress have since given to the

Judges, he would rather continue in his present office than be Governor of the State ; at the same time, however, *as his Friends had not deserted him, he certainly would not desert them* ; and if therefore upon the whole *they* still judged it most advisable that he should again be a Candidate, that he would as certainly acquiesce and if elected, would accept.

It is proposed that the *Friends* should shortly meet to deliberate on the Question, which, you will perceive, *he has referred to them* ; and in the meantime I was to write to you for Hamilton's & your advice.—It is needless for me to state Reasons either way, they will readily occur to both of you. I will only state that it is a very general opinion, & I believe well founded, that, if Mr. Jay is not the Candidate, Mr. Clinton will meet with very little, if any, opposition from the *Friends*, and therefore that he most probably will be re-elected. Let me hear from you as soon as you conveniently can.

Do you & Hamilton know that the *Friends* here are not perfectly satisfied that a certain Business *should*, where it *seems* at present *to*, rest. You will recollect the draft which I shewed you of a *Scrap*. It does not appear *by the best evidence the Nature of the case is capable of*, where the Lie, if any, is, nor can it as long as Mess. Mifflin & Jefferson remain wholly *silent* ; Mr. Dallas having *positively denied* that Mr. Genet ever declared to him “that he would appeal &c.,” and having by no means admitted that he ever reported to Mess. Mifflin & Jefferson that Mr. Genet had so declared to him. We think a Requisition ought to be made on Mr. Mifflin and Mr. Jefferson to *come out* fully and *positively*. Where is the *official* Report which *all* here say and *believe* Mr. Jefferson made to the President, stating the Information as he had it *at the time* from Mr. Dallas ? ! The *Enemies* begin to *bore* the *Friends* about the Business.

Yours

EGBT. BENSON.

H. LEROY TO R. KING, PHILA.

N. YORK, Dec. 30, 1793.

DEAR SIR :

Mr. Hamilton's request for Congress to investigate his department, must prove to the World the purity of his proceed-

ings ; his friends are pleased at his having made the proposition himself.

We yesterday had a meeting of the Stockholders of the B. U. States, whh. was thin ; Mr. Watson called it in order to make known his resignation. Mr. Low resigned at the same time and declared to the meeting it was your wish not to be re-elected. . . . Hammond & Harrison are the two characters spoken of as directors in lieu of those resigned.

Yours, &c.

HERMAN LEROY.

J. ALSOP TO R. KING, PHILA.

N. Y., Dec. 23, 1793.

DEAR SIR :

As your letter of the 17th inst., advising me of the intention of Congress endeavoring a treaty with the Algerines and the unfortunate cause of its delay, appeared to me of a publick nature, I read it to the Gentn in our office, who were all well pleased to hear that such steps had been taken ; some said they feared that there had been some delay in the Executive, but now they were satisfied to the contrary, they one and all wished that Congress wou'd immediately build or buy and equip six or eight stout Frigates to secure the honor and safety of our flag. . . .

Yours

JOHN ALSOP.

C. GORE TO R. KING, PHILA.

BOSTON, Dec. 23, 1793.

MY DEAR SIR :

I read with great concern that the Algerines are loose on our commerce. It affects the property of this place very much. There never was a time when our harbor was so crowded with vessels as at the present day, and never a time when we had half so many out on charter.

The antis will clamor loud if Congress does not adopt some bold measure to meet and destroy this evil. They will not clamor less if the Government shall adopt the very steps they now propose ; but the federalists, and the lovers of our country will not

join in the latter, though they will in the former. . . . A Democratic Club has been established here ; but we are told that it is now dissolved ; this much is true, there are very few men who do not deny their connection with such a Society. However the faction opposed to the Government here is not and will not be restrained from doing anything which may interfere with its operations by any honorable considerations. Read the Chronicle and you will there see that falsehood and impudence are their strongest characteristics.

Affectionately your friend,

C. GORE.

J. JAY TO R. KING, PHILA.

N. YORK, Dec. 22d, 1793.

DEAR SIR :

. . . Would it not be advisable that, where Jurors are summoned by Marshalls, the Courts shd. be authorized to appoint Elizors in every case in which the Court shall have Evidence to induce reasonable apprehensions of Partiality or Interest in the Marshall, and that both in public and private causes ?

As the yellow fever may again appear next summer at Pha., wd. it not be proper to provide that in such an Event, the sitting of the Sup. Court should be at another place ? Would it not also be advisable to abolish the alternate sitting of the circuit Court at Yorktown and Pha. ? Double places create double trouble to all parties.

The federal Courts have Enemies in all who fear their Influence on State objects. It is to be wished that their Defects should be corrected quietly. If these Defects were all exposed to public view in striking colors, more Enemies would arise and the Difficulty of mending them be encreased. When it is considered that the important Questions expected to arise in the Circuit Courts have now been decided in them, I can conceive of no Reason for continuing to send the Sup. Court Judges to preside in them of equal weight with the objections which oppose that measure.

Insinuations that unwillingness to contradict or have Disputes with Col. Hamilton & Gen. Knox, keep Govr. Mifflin & Mr.

Jefferson silent will find Believers among those who do not see why the Authors of the last Statement should give their names to the Printers and not to the public; especially when they are told that it was probably done to create an unfounded opinion that Mr. Jefferson was a party or a Privy to it. These are circumstances which many well meaning People are not qualified to explain; but on the contrary are perplexed and ensnared into suspicions by them. It would be a pity that a single "Hook or Loop whereon to hang a doubt" should be left. They who write to the public write to the simple as well as to the wise.

Yours

JOHN JAY.

J. ALSOP TO R. KING.

N. Y., Dec. 24, 1793.

DEAR SIR :

. . . A vessel is arrived from Lisbon, wch. brings news that the Portuguese wou'd grant a Convoy to American Ships; but some are doubtfull of the propriety of their doing it consistent with their treaty: however if they do it, it will serve us and they may account for their conduct. . . .

Yours

JOHN ALSOP.

C. GORE TO R. KING, PHILA.

BOSTON, Dec. 24, 1793.

MY DEAR FRIEND :

The statement published in Brown's paper leaves no room for Mr. Dallas to get rid of the assertion, but by saying that either Mr. Jefferson or himself has told a falsehood.

The vile faction that disgraces Massachusetts still supports Genet. Their number is small, but their clamour loud and incessant—their impudence & falsehood unparalleled. . . . The Algerines will deprive us of all the advantages of the present state of Europe; and such is the rage of our people against Gt. Britain, to whom they attribute the peace made with Portugal and Holland, that a war with that nation is desired by many. They do not consider that certain loss would be our fate, if involv'd in

the quarrel ; and this disposition, it is to be feared, may have a tendency to introduce us into the war. I am happy to learn by your letter of the 15th, that you think we may yet remain at peace ; and I trust such measures will be adopted by Congress to block up the Algerine pirates, the ensuing summer ; our merchants will lose their trade this winter.

The federalists talk of running Judge Cushing for Governor, and there is some probability that he may be elected. Such an event is very desirable. It would make Massachusetts completely federal.

Reports are circulated that Hamilton, Knox & Jefferson are to resign. I most sincerely regret the necessity of that occasion, the loss which the public will sustain by the absence of the present Secretary of the Treasury. But why should he spend his health and his time and destroy the tranquillity of his mind for a people who really do not estimate his merits at a hundredth part of their value. The base and dishonorable abuse him—the friends of order are willing to believe a slander against his fame, tho' they never knew a truth come from the mouths of those who revile him. . . .

Farewell, your friend,

C. GORE.

CHAPTER XXIX.

Amendments to the Constitution—Non-Suability of States—One proposed for bidding an Officer of the Bank of the United States to be a Member of either House—Rejected—Mr. King's Course—Mr. Jefferson's Resignation, Mr. King's Name suggested as his Successor—Mr. Randolph appointed—Threatening Aspect of Affairs with England—Suggestion of a Special Minister—Conference of Messrs. Ellsworth, Cabot, Strong, and King respecting this—Mr. Jay appointed—Mr. King's Interviews with Mr. Hammond the British Ambassador—Debate in the Senate on Suspension of the Fourth Article of the Treaty with Great Britain.

In the practical working of the judicial power of the United States under the Constitution, a serious trouble manifested itself in carrying out the decision of the Courts in controversies between the States and citizens of other States or of a foreign State. Several cases had occurred in which this power of the Courts had been invoked; decisions had been made and the States had refused to obey the mandates of the Courts. A difficulty at once arose as to the power to compel them to obey. A general feeling manifested itself, that it would be inexpedient, and probably would be impossible, if not dangerous to the public welfare to enforce these decrees. In consequence of this, the abrogation of the power was demanded by some of the States against which decisions had been made, and in February, 1793, a few days before the adjournment of the 2d Congress an amendment to the Constitution was offered, but not acted upon, to meet the emergency. It was brought forward early in the next Congress, in the Senate, and January 14, 1794, an amendment to the Constitution was then

adopted by a vote of 23 to 2—Mr. King voting in the affirmative—in the following words:

“The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any one of the United States, by citizens of another State or by citizens or subjects of any foreign State.”

This was afterwards adopted in the H. of Representatives on March 4th, by 81 to 9—and having been afterwards assented to by the Legislatures of the States, removed what threatened to be a serious question of authority.

Another amendment to the Constitution was proposed in the Senate on the last day of the Session of the 2d Congress, March 2, 1793, which was laid upon the table. It was in part: “No member of Congress shall be eligible to any office of profit under the authority of the United States, nor shall any person interested with the management of any bank or moneyed corporation within the United States, be capable of holding a seat in either House of Congress.”

This question was brought up in another form on the 24th of the next December, and on January 15th an amendment in the following words:

“Nor shall any person holding any office in the Bank of the United States be a member of either House, whilst he holds such office.”

Being defeated by a vote of 12 yeas, and 13 nays—Mr. King voting in the negative—the subject was postponed and does not appear to have been brought up again.

The matter is alluded to here, because Mr. King, who was one of the directors of the Bank, had resigned his seat there before this, though there is no reason assigned for this action. But it is probable he had taken this step, in order that he might be free to act in accordance with his conviction on the proposed amendment of the Constitution; such at least has been given as his motive by those who knew him well. Mr. Lawrance in his letter of the 12th January,

1794, says:

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"It is to be hoped that the clamour of those who pretend to very much republicanism will now cease respecting the connection of those in the Government with the Bank. I perceive you are all out ; with yourself it was design—but how did it happen with respect to the others ?"

It is not necessary here to enter upon the discussion of the reasons which brought about the retirement of Mr. Jefferson from the Cabinet of Washington. His avowed principles were in antagonism to the general policy of the administration, both as to foreign affairs and as to the conduct of Hamilton in the measures recommended and adopted, after warm discussion, for the administration of the financial department of the country. The personal animosity each felt towards the other, the radical differences in their views upon every public question, the evident confidence shown by the President in Hamilton, and the failure of the friends of Mr. Jefferson to sustain against Hamilton the charges of peculation, and maladministration of the affairs of the Treasury, which resulted instead in his triumphant acquittal of them all, rendered it impossible that they should sit in the same Cabinet as advisers of the President, and Mr. Jefferson retired.

It would appear that the name of Mr. King was prominent among those suggested as the successor of the Secretary of State. Mr. Madison had written to Mr. Jefferson at an earlier period when he had proposed to resign, saying, "In a word we" (Mr. Monroe and Madison) "think you ought to make the most of the value we perceive to be placed in your participation in the Executive Councils." Should he resign a successor would probably be appointed whose policy would be different from his. "I foresee, I think, that it will be either King, if Johnson is put at the Treasury ; or Edward Rutledge, if Wolcott should be put there." *

Mr. Hamilton says: "The recent hostile procedure of

* *Life of Alexander Hamilton*, by John L. Hamilton, vol. v., p. 440.

Jefferson (in the Genet affair?) towards King had succeeded in creating an alienation between the President and that Senator, and it may have been hoped, would terminate his justly confiding reliance upon Jay." Mr. Jefferson, reporting a conference with Washington relative to his successor, says: "He (the President) said that Mr. Jay had a great opinion of the talents of Mr. King; that there was also Mr. Smith of South Carolina and Edward Rutledge," etc.

Nothing further is said or known as to this matter, but Mr. Randolph was selected.

A serious crisis existed at this time in the affairs of the country, consequent upon the undisguised efforts of the friends and supporters of French aggressions and a deep sense of the injustice of Great Britain in failing to carry out the agreements of the Treaty of Peace and in seizing and confiscating our vessels in the West Indies, a policy greatly aggravated by the Orders in Council of November 6, 1793, directing her cruisers to stop and bring in for adjudication all vessels with goods from the French Colonies or carrying provisions or goods to such colonies; thus absolutely cutting off all trade with them and causing heavy losses to the owners of vessels then in the West Indies.

Measures looking to preparations for retaliation, raising of troops, building of war vessels, and fortifying the sea-ports, found their first expression in the laying of an embargo for thirty days, which was continued for thirty days longer, one of the chief objects of which was to prevent supplies for the English army and fleet. Resolutions for confiscating all debts to British subjects were brought forward in Congress and discussed with great warmth, and although the British orders were soon after modified so far as to say that they only covered goods belonging to Frenchmen and bound for France, the feeling in the country was tending rapidly towards breaking off intercourse with England and even war.

In the midst of these perplexities which surrounded the President and which seemed almost insurmountable, the

friends of order and peace advised the sending a special ambassador to England to ascertain if a treaty of commerce could be made. In a letter of A. Hamilton to the President,* the condition of the country, the wrongs to which it was subjected, and a review of the proposed measures of retaliation, which would rather provoke the hostility of England than incline her to pacific action, are clearly and forcibly stated, and the suggestion which had been already made of sending a special ambassador to England was urgently pressed. At the same time he urged the adoption of "vigorous and effective measures to prepare for war should it become inevitable; abstaining for the present from measures which may be contrary to the spirit of an attempt to adjust existing differences by negotiation."

In this letter, recognizing the fact that his name had been under the consideration of the President for this appointment, he desired that it should not be brought forward, and suggested the name of Mr. Jay, who was immediately nominated, and though opposed in the Senate for political reasons, and especially his holding the position of Chief Justice, was finally confirmed.

The manuscript of Rufus King, which is now given, written at the time these matters were under consideration, will be found interesting and explanatory of much that without it would never have been known of the secret history of these times. This cannot, however, be presented to the public as entirely new, for Mr. J. C. Hamilton, who had access, through the courtesy of President Charles King of Columbia College, to these papers, has made use of them in his *Life of Alexander Hamilton* constantly, in *ipsissimis verbis*, without any acknowledgment of the source of his information, except this: "On the 10th day of March, the day on which Sedgewick gave notice of his intended resolutions to increase the armed force, a conference was held between the Senators Cabot, Ellsworth, King and Strong. *From minutes*

* *Life of A. Hamilton*, by John C. Hamilton, vol. v., 544-554.

of this conference,* it appears, that the proposed mission was approved, and it was determined that Ellsworth should confer with the President, etc."† The manuscript itself will show the source from which he derived his information without giving credit to Mr. King.‡

R. KING'S MANUSCRIPT.

10. March. The order of G. Britain of the 6. Nov., authorizing the seizing and sending in of American vessels for adjudication, having produced by the great number of captures in the West Indies, the most alarming irritation in the middle and eastern states (more than 200 sail having been taken and nearly half that number having been condemned), the Faction opposed to the Government having taken hold of the circumstance to embarrass and derange the administration—Ellsworth, Cabot and Strong met at my room in order to confer on the course most advisable to pursue.

The Result was that Ellsworth should go the next day to the President, that he shd. represent to him that the crisis was alarming; that war might and probably would be the consequence of these aggressions of England, unless some system calculated to calm the public mind, as well as the public councils, was speedily adopted—to avoid that scourge and to save the national honor, as well as to procure indemnification for the wrongs that our merchants had already suffered, that it would be

* Underscored by the Editor.

† *Life of Hamilton*, v., p. 532.

‡ Mr. Henry Cabot Lodge, in his *Life of George Cabot*, p. 67, in giving an account of these meetings resulting in the election of Mr. Jay as the Minister to England, says in a note referring as his authority for Hamilton's *History of the Republic*, v. 532-5 inclusive: "Mr. Hamilton is my only authority for this account of the circumstances connected with the mission and the selection of Mr. Jay. In confirmation of his statement, he refers to minutes of the conference held by Mr. Cabot and the other Senators. Where or of what nature these minutes are, I am unable to say; and Mr. Hamilton offers no explanation. As Mr. Hamilton had access to many still unpublished documents, his opportunities for information were unusually good; but the absence of exact references in his work to any manuscript evidence he may have used renders this explanation necessary." It is all explained above.—ED.

advisable, to adopt vigorous measures to put the Country in a posture of defence, as well by fortifying our principal commercial Points, as by organizing absolutely, or provisionally, an auxiliary military Force, by filling our arsenals and by digesting an effectual plan of internal Taxes ; that these arrangements being made, a suitable person shd. be sent to the W. Indies for the purpose of ascertaining the true situation of our Property seized in the English Islands, and to assist our mariners and merchants in defending their Rights ; that further an Envoy extraordinary should be appointed and sent to England to require satisfaction for the loss of our Property and to adjust those points which menaced a war between the two Countries ; that in reference to the envoyship, Ellsworth should insinuate, that unless a person possessing Talents of the first order, enjoying the confidence of the friends of Peace and of the Government, and whose character was unexceptionable in England was selected, it would be fruitless to make an appointment ; that under this conviction, it seemed that Col. Hamilton was the character whose qualifications afforded a very commanding preference ; and that his appointment permitted a rational hope that the objects of it would be obtained.

12. March. Ellsworth executed the mission agreed on upon the 10th instant. The President was at first reserved—finally more communicative and apparently impressed with Ellsworth's representation. Some doubts were suggested respecting the character—that Col. H. did not possess the general confidence of the Country—that there could be no doubts in his, the President's, mind but that their existence was of some consequence.

12. Mar. I intimated to R. Morris the purport of Ellsworth's mission to the President—and proposed that he should, if occasion offered, support it—he consented to do so.

18. Mar. The continued accounts from the W. Indies of the capture of our vessels increase the public irritation—Congress propose an Embargo.

26. Mar. A Letter from Skipwith, Consul at St. Eustatia, gives an account of the numerous captures and condemnations of our vessels. The House passed an Embargo for 30 days—the Senate concur, and the Pr. approves.

27. We this day received (Via Hatia) the new Instruction of the 8th Jany. revoking that of the 6th Novr.

Propositions for sequestering all British Debts are proposed by Mr. Dayton in the House of Reps.

Ap. Proposition to prohibit after day of all importations from G. Britain and Ireland till satisfaction shall be made for spoliations on our commerce, the Delivery of the Posts, etc.

Apr. 8. The President sent for R. Morris to consult him respecting the Envoyship to London. Morris confirms the course indicated by Ellsworth and decidedly supports the appointment of Hamilton.

The President told him that he had thought of the Vice President, Hamilton, Jay and Jefferson. Morris objected to the first and the last; and expressed his preference for the second.

Ap. 12. Mr. Jay arrived to hold a circuit Court in Phila.—he came to my room, the conversation soon turned to the present situation of the Country. I told him that the object of the Friends of peace was such as was agreed between Ellsworth, Cabot, Strong & myself on the 10. Mar. ; that I had heard that the Pr. had mentioned the Vice President, Hamilton, Jefferson and him as persons whom he had thought of for the Envoyship; that his friends were decided that it must be him or Hamilton.

That so far as regarded the particular knowledge of the Cabinet, and the details of Commerce, Hamilton might deserve a preference. But that in other respects we should be perfectly satisfied with him; that these points were not very important, and if on the other hand we consider weight of character abroad as well as at home, his appointment might be more advantageous than that of Hamilton. Besides that Hamilton was essential in his present station. Mr. Jay gave no Reply respecting himself but appeared fully to agree in the Propriety of Hamilton's appointment.

We conversed respecting the Resolution before the House for cutting off commercial intercourse and sequestering British Debts. He joined me in opinion that they would frustrate all negotiations and said he should tell the President so when he saw him.

13. April. Every effort has been made through Randolph, the Secry. of State, to defeat Hamilton's appointment. There is

reason to suppose that Fauchet, the French minister, has **not** failed to employ his influence to this End. Randolph in **speaking** to Hamilton upon the subject of the appointment **casually** said "at *that* time I had not conversed with Mr. Fauchet." After further conversation Hamilton brought the Secretary back by observing that he had said "that at that time &c"; and then asked him whether Mr. Fauchet had expressed any opinion in opposition to the appointment. Randolph replied that he could not be more particular; but the intimation which fell unguardedly from Randolph, being in reference to Hamilton's aversion to the French Revolution, may be considered as satisfactory evidence of the interference of the Fr. minister.

14. Hamilton abandons the idea of the Envoyship and addresses a letter of this date to the President representing the critical state of the public and proposing the appointment of Mr. Jay.

The President sent for Mr. Jay—the Envoyship is offered—Mr. Jay tells him his opinion of the Resolutions before the House of Reps—In the course of the conversation he states his Idea to be that the Resolutions are in the nature of a menace and that G. Britain would, and ought to, refuse to treat with us if they were adopted.

Ap. 15. Hamilton, Strong, Cabot, Ellsworth and myself went to Mr. Jay this afternoon to press upon him the necessity which exists that he should not decline the Envoyship; that in short he was the only man in whom we could confide, and that we deemed the situation of the Country too interesting and critical to permit him to hesitate.

He did not decline. We urged the idea that he should reinforce the opinion that the measures before the House wd. disappoint the objects sought for in the appointment—and that he could not consent to be Envoy charged with complaint and menace.

Ap. 16. The conduct of the French or anti-English party respecting the Envoyship to London, when that measure was first agitated was somewhat extraordinary. The measure was called for from all quarters: the interest as well as the inclination of the country forbid an opposition to such measures as tended to obtain satisfaction for the Plunder of our commercial property, and to

preserve the neutrality or peace of the nation. But those of this party who had, at the same time they appeared to consent to measures of a pacific nature, and calculated to close the breach with England, made use of their unremitted endeavours to embarrass the same ; and, finding the probability of an Envoy's being sent to England, caballed in favor of a character who from want of talents, or inclination, would frustrate the object of the mission. Gunn informed me that Randolph had proposed the Envoyship to Madison—that the party also desired the appointment of Jefferson, and that with a view of governing Butler, Monroe had intimated to him that it would be agreeable to the Party that he shd. be appointed ; that thus Butler had entertained the hope, if not a serious expectation, that he should be nominated ; and that his absence for ten days or a Fortnight from the Senate were days of suspense and foolish intrigue in relation to this appointment. ✓

That great pains had been employed to induce Jackson and Gunn to co-operate in measures to defeat the Mission ; and that after Mr. Jay's nomination, in a conversation with Butler in the presence of Burr, a proposition was made to him (Gunn) by Butler, in reply to which Gunn told him, that if he could suppose that he understood what he said (which from his being so frequently out of his head he could not believe) he would insult him. Gunn did not mention the purport of the Proposition and I did not urge him to disclose it. Gunn and Jackson both voted for the envoyship, and for the appointment of Mr. Jay.

Ap. 16. The President this day nominated Mr. Jay Envoy Extra. to London—Mr. Jay was with him in the morning—and so far as he judged respectful, and in a decided manner expressed his disapprobation of the Resolutions of Mr. Dayton and Mr. Clark. |||

From the Difficulty of passing particular instructions in the Senate, it seems to me to be most suitable that the Pr. shd. instruct, and that the Treaty shd. be concluded subject to the approbation of the Senate.

17 Ap. Mr. Jay's appointment opposed in the Senate.

Mr. Monroe declared his opinion that he was not a suitable character, since he held opinions (as appears by his Reports while Secy. of for. affairs) against the interest and just claims of the Country. That, in the first place, in respect to the inexecution of the Treaty of Peace, Mr. Jay had avowed an opinion in favor of ||| ✕

✓ interest upon British Debts, and secondly, had acknowledged that we were the first aggressors agt. the Treaty, and therefore that the Detention of the Posts, &c., was justifiable on the part of G. Britain. Further that a secret Treaty existed between Spain and England, which probably had reference to the territorial rights of the former in America and consequently affected our Boundary and right to navigate the Mississippi; that Mr. Jay might be sounded on these points, and it was well known that his opinions were unfriendly to our Rights and too complaisant to those of Sp.; this was proved by his negotiation with Gardoqui, with whom he would have signed a Treaty, stipulating to forbear the use of the River for 25 or 30 years, and to refer the question of Boundary to commissioners.

Mr. Taylor also opposed the appointment, and upon the ground of incompatibility in the office of Ch. Justice and Envoy extraordinary—upon the idea that such an appointment would destroy the independence of the Judiciary by teaching them to look for lucrative employment from and dependent on the pleasure of the Executive.

18th. Monroe moved for the production of Mr. Jay's Report, while Sec. of for. affs, upon the Brit. complaints of the violation of the Treaty on the part of the U. S., this motion was negatived—The day was consumed in debating the Propriety of Mr. Jay's appointment. On Mr. King's motion the President was requested to lay before the Senate the Reports of Mr. Jay while Sec. of for. affairs.

20th April. Debate continued—Burr moved the postponement of the nomination in order to adopt two Resolutions—one, declaring the inexpediency of an Envoy, since we could act through Pinckney, the Resident minister—the other that the appointment of a Judge to be Envoy was agt. the spirit of the Constitution, mischievous and of bad policy. This motion was negatived and Mr. Jay's nomination approved 18 ays. to 8 nos.

Ellsworth expressed his surprize that Burr should oppose an Envoy, since he had recently seen a Resolution in his handwriting proposing the measure. Burr said such a paper had been shown, but that it contained not his own opinion, but had been set down with other propositions wh. in conversation between three or four persons had been suggested for consideration. These propositions

Burr shewed to Mr. King some days before Mr. Jay's nomination; they were 1. an Envoy-Extra., 2. an Embargo, 3. Sequestration of British Debts, 4. the organization of a corps of select militia, 5. categorical requisition for the delivery of the Posts and indemnification for the capture of our vessels.

Ap. 21. Hamilton, Ellsworth, Cabot, and King met Mr. Jay this evening to discuss the subject of Envoyship. All agreed that as the Pr. might give the instructions without consulting the Senate, it would be most advisable so to conduct the business, and that the Treaty, if any shd. be formed, should be signed subject to the approbation of the Senate.

In case the inexecution of the Treaty should not be adjusted, it was agreed that strenuous efforts shd. be made to obtain satisfaction for the spoliation on our Commerce, and to establish Rules wh. should prevail and be observed in future. On the subject of the old Treaty, that we should require its execution on the part of G. B. ; and, provided that they would fulfil it, and likewise compensate us for the capture of our vessels, that we might agree to allow them for the losses incurred by reason of the non paymt. of Debts a sum not exceeding half a million Sterg. Various propositions relative to a commercial Treaty, the posts, the Indian trade, the navigation of the Lakes, the West Indies, &c, &c, were also discussed—and Mr. ——— stated his conversation with the Secretary of State who appeared disposed to leave the negotiation open and the powers of the Envoy very discretionary.

The following minute in Mr. King's handwriting contains the accounts of an interesting interview with Mr. Hammond, the British Minister :

April 7th, '93. Not having met Mr. Hammond, the English Minister, for some weeks in public, and the Debates in the House of Reps, as well as the popular conversations, being angry on the subject of the capture of our vessels by the English Privateers, I concluded to make him a visit. He appeared to be pleased with the attention and expressed his regrets that others whom he called his friends had forbore to visit him for some time past. We soon fell into conversation relative to the situation of the two Countries. I expressed to him my opinion of the injustice of his

Country in seizing our vessels ; and observed that the order of the 6th of Novr. 1793, the speech of Lord Dorchester to the Canada Indians and other circumstances led me to apprehend that England had actually meditated a war with us. But that either a more mature examination, the Reverses of the campaign, or some other cause seemed to have suspended, if not changed, her intentions. He replied with apparent candor—by observing that he would admit what he had not been willing should be supposed to be the Fact, that Dorchester's speech was genuine ; that he had hoped it would not have found its way to the public, since he would tell me in confidence that Dorchester was not authorized to have made the speech ; that with regard to the order of the 6th of November, when we should know the unworthy and prevalent Practices of our Merchants, in covering with their names, & our Flag, french property, it would appear less extraordinary that the order in question should have been issued ; that the subsequent instruction of the 8th. of Jan'y revoked it and that Lord Grenville had declared that unless the vessel would have been liable to condemnation, independent of the existence of that order, no condemnation could be had under, or in virtue of, it.

That by our own principles, we had no ground of complaint till we had pursued our claim to the highest judiciary Tribunals of the English nation ; that there was no Doubt that every facility would be given on the subject of appeals, and that all irregularities would be corrected in the court of appeals.

I remarked that the generality and peculiar nature of these cases took them out of this Rule, and that where distribution had been already made, the Remedy would prove ineffectual ; that therefore upon the principles of the last, or revoking instruction the nation would be bound to give us compensation.

He said he did not believe this would be done—that difficulties would exist of such a nature as would prevent compensation,—that no money would be paid unless by consent of Parliament, and that the personal embarrassments to which the ministry would be liable by pursuing this course would forbid an expectation that it would be adopted.

I remarked that these were small considerations—that indeed there seemed to be a series of Difficulties of the like size, which

had, and which, I feared, would in future, prevent that good understanding between the two Countries, which their respective interest so evidently required—that the subject of British Debts, the payment for the negroes and the Posts, were all of no value or consequence to G. Britain—that the two former were really of small consideration to us. But that our nation was young, that we were still new in the management of national affairs—and that it was not easy with us, as with them, to decide questions of this nature, especially when they mingle with them private interest and political prejudice—that the loss of the whole debt was nothing when compared with the loss of a good understanding between the two nations.

He replied that we did not differ materially in our opinion, and said that it was difficult to write with that Freedom with which we could speak, but that he believed if he could return to England, he could effect a settlement of all points between the Countries—that the merchants in England were very troublesome to the ministry—that their representations and complaints had proved pernicious; but that he was of opinion that they ought not to be so much attended to. He said he was happy to hear that the President thought of sending an Envoy to England; that he had written to Lord Grenville that this would probably be the case, and that Mr. Jay, Mr. Hamilton, or I would be sent.

In conclusion he observed, that he told Lord Grenville that he preferred the American Legation to any other; that he had been a whig in the American Revolution; that he had desired to see the best possible connections of Friendship and Commerce renewed and confirmed between the two nations; that he had believed that the real interest of England would be advanced by such connexion, and by being the Instrument to effect that measure he had flattered himself with thereby obtaining reputation and esteem.

In R. King's handwriting, we find this account of a debate in the Senate, May 6, 1794.

Monroe, seconded by Taylor, in pursuance of an instruction from the Legislature of Virginia, and notice of yesterday, moved.

for leave to bring in a Bill providing under certain limitations, for the suspension of the Fourth Article of the Treaty of peace between the United States and Great Britain.

Strong opposed, because it admits that we have violated the Treaty, and we have no better right to say we will cease to execute until you have executed, than they have to use the same language. In the eastern states the Treaty has been complied with—the law proposed will be partial, applying to some and not to other states. If we ask for Justice, Equity says we shd. do it with clean hand.

Izard—I do not discuss the policy of the proposed measure, but I ask by what right we can suspend. Will the judiciary regard your law—is not the Treaty paramount to the Law?

Jackson—The measure appears to proceed from an obedience to instruction rather than from the Judgment of the Movers. The measures already adopted are pacific &c, and we are to pay no attention to the great property in the hands of the British. Is it prudent to take irritating measures which may produce a sacrifice of our Ships and Cargoes in the hands of the British?

Taylor—I disapprove of the mild and supplicating course marked out for America. We shall proceed until the People can no longer be restrained.—With regard to the Justice, the Law of nations requires the strong nation to perform the first act—we have a right to require of G. B. to perform the Treaty on her Part. Besides we ought in the south to be attended to as well as our Brethren in the east. Our negroes and the Posts shd. be attended to as well as the Spoliations on our Commerce. The former is an old wrong, the latter is a recent one.—An Envoy is dispatched to obtain redress on the latter point, the former is regarded with cold attention, and negroes and posts will be sacrificed to obtain satisfaction for commercial spoliation. We are not influenced by our being Debtors—I never knew a Legislature in Virginia in wh. $\frac{1}{4}$ of the members were British Debtors. I owe nothing, nor do I believe that any of my Relations which are numerous owe £20 british money to a British subject.

The previous question was put and failed. On the main question to give leave to bring in the Bill, it passed in the negative, Taylor and Monroe only in the affirmative. Vining, Gunn,

Rutherford, Bradley and Mitchell were out of town ; Robinson was in the Senate in the morning, but had retired before the discussion ; Burr was at his lodging and Frelinghuysen sent him a note informing him the subject was debating ; Jackson, Butler, Hawkins, Brown and Edwards retired to the lobby when the question was about to be put, and Martin was excused from voting at his own request.

CHAPTER XXX.

Albert Gallatin's Right to a Seat as Senator from Pennsylvania questioned—
His Statement—Debate upon It—R. King's Speech against his Claim—
Senate Doors opened to the Public during Legislative Business.

Albert Gallatin was chosen a Senator of the United States by the Legislature of Pennsylvania on February 28, 1793, and took his seat in the Senate on December 2d of that year. On the same day * a petition of Conrad Laub and others was presented in the Senate against the right of Mr. Gallatin to a seat in that body upon the ground that he had not been a citizen of the United States for nine years at the time of his election, as required by the Constitution.

The matter was referred to a Committee of the Senate, which, after summoning and hearing the petitioners and Mr. Gallatin, reported on February 10, 1794, the evidence they had taken as to the facts furnished by the former, and the reasons afterwards assigned by Mr. Gallatin why he should not be called upon "to adduce evidence on his part at the present stage of the enquiry," which plea the committee deemed not sufficient. The report concluded with a resolution "that in the opinion of the committee it is now incumbent on Mr. Gallatin to shew that he has become a citizen of the United States and when. . . . This resolution was read to him and he informed the committee he should rely on the answer he had before given," that is, that he conceived "from the evident construction of the resolution [appointing the committee] I have a right to have the

* *Annals of Congress*, 1793-95, p. 58, *et seq.*

question decided by the Senate . . . as the sufficiency of the parties and the matter charged in the petition," reserving to himself the right afterwards, if the case were decided against him by the Senate, to collect evidence and produce testimony in his favor.

In the course of the discussion which followed, Mr. Gallatin on the 17th made a speech, denying the competency of the petitioners and alleging the insufficiency of the evidence, for which reasons the parties should be non-suited. But that he had prepared a statement of facts, which in consequence of certain observations made by a Senator from S. Carolina, [Mr. William Smith—ED.] from a sense of duty to the Legislature of Pennsylvania, which, in case a vacancy were declared, might supply his place, he would present the next day. The facts were few on which he would want proof—namely that of residence and that of occupation, and it would take time to collect them. Thus he took upon himself the burden of proof.

"A Statement * of facts was agreed upon between him and the

* Albert Gallatin was born at Geneva, on the 29th day of January, 1761. He left that place for the United States in April or May, 1780, arrived in Boston (Massachusetts) on the 14th or 15th of July of the same year, and has ever since resided within the United States. In October, 1780, he removed from Boston to Machias, in the Province of Maine, in which place and its neighborhood he resided one year, and commenced a settlement on a tract of vacant land. During that time he furnished, out of his own funds, supplies (amounting in value to more than sixty pounds Massachusetts currency) to Colonel John Allen, who was the commanding officer stationed there, and also Superintendent of Indian Affairs for the Eastern Department, for the use of the American troops, and on several occasions acted as a volunteer under the same officer's command. For the said supplies he received, one year after, a warrant on the treasury of the State of Massachusetts, which he sold at a considerable depreciation. In October, 1781, he returned to Boston; and in the spring of 1782, was, by a vote of the Corporation of the University of Cambridge (otherwise called Harvard College), chosen instructor of the French language of the said University. By the same vote he was allowed a room in the college, the privilege of the Commons at the tutor's table, the use of the library, and also the right of having his pay (which depended on the voluntary subscription and attendance of students) collected by the steward of the institution, together

petitioners' counsel, which being delivered to the Senate,"* Mr. Gallatin claimed in a second speech on the 20th, that by the statement he proved that he had been a citizen more than thirteen years, was so before the Treaty of Peace and before the Ratification of the Confederation; and proceeded to show this, basing his citizenship on the 4th Article of the Confederation—"Citizenship—the free inhabitants entitled to the rights of free citizens, &c. ratified 1. March /87." This statute explains the law of nature, by which, in consequence of the Revolution, the question of citizenship must be established, the law of Allegiance to the King being overthrown. He was then an inhabitant and therefore a citizen.

This plea was immediately answered by Mr. Lewis of Va., who acted as counsel for the petitioners, controverting this principle as well as other points of the statement upon which the argument turned, alleging that an oath of allegiance to the State of Virginia in Oct. 1785, gave no right as a citizen; this oath, as the naturalization passed in October 1783, could not retrospect, and another oath was required to obtain the citizenship under that law; mere inhabitancy never supposed naturalization. Legislatures pass special acts for the purpose. Mr. Gallatin in a third speech in reply to Mr. Lewis said in substance that if he was not a citizen before his oath of allegiance to Virginia in 1785, he became so by that oath which retrospected to his Birth—or first with the other charges against the students for board and education. Those terms he accepted, and remained in that station for the term of one year. In July, 1783, he removed to Pennsylvania, and in November of the same year proceeded to Virginia, in which State he had purchased more than a thousand acres of land (and amounting to more than one hundred pounds Virginia currency in value) some time between July and November, 1783. Between this last mentioned period and the month of October, 1785, he purchased other lands in the said State to a very large amount, and in the said last mentioned month he took an oath of allegiance to the said State. In December, 1785, he purchased the plantation in Fayette county in Pennsylvania, on which he has lived ever since. In October, 1789, he was elected member of the convention to amend the Constitution of Pennsylvania, and in October, 1790, 1791, and 1792, he was elected member of the Legislature of the same State. On the 28th of February, 1793, he was chosen Senator to represent the said State in the Senate of the United States, and took his seat in December following.—*Annals of Congress*, 1793-95, p. 61.

* R. King's note on abstract of A. G.'s second speech.

arrival in America—and that the oath of allegiance meant both oaths required by the Virginia law—it was not necessary to specify the two oaths—that residence was required to enable him to enjoy the privilege of electing or being elected. He was a citizen, with that inability, by the law of nature, the common law of America & its statutes. By the declaration of independence, allegiance was no longer feudal or personal, but was founded on reason and nature, an allegiance to society of which the sub. was a member, not to the confederate states, but to the states severally. The confederation made a change and the allegiance was transferred from the states to the U. States. Every man who took a share in the Revolution became a citizen, unless there was some law defining how aliens should become citizens—for a person who took a share might have been punished as a traitor, & he had in Massachusetts in 1780 furnished supplies for the use of the American troops and on several occasions acted as a volunteer in Machias, where he resided a year. “But I rely on the law of nature and of reason: he who aided the Revolution was thereby a citizen. He relied on the 4th Article of the Confederation, which related not only to commercial regulations, but was more comprehensive. The counsel contended that *Free inhabitants* means citizens in that article, but he claimed that where two words are used in the same sentence and not exactly of the same import they must be construed to have different meanings—which was here the case—as evidenced by the practice of several states before and since the present constitution.” *Free inhabitants*, that is they are thereby declared citizens—his idea was that a free inhabitant possessing the qualification of a citizen shall be in all the states entitled to the rights of citizens, as by the article of the Confederation, *Inhabitants* are declared citizens in all the states—a general naturalization & reciprocity among the states.

9 years requisite by the constitution was a disqualifying and disfranchising law—which must be construed strictly &, if doubtful, is in his favor, if he shd. not be proved to be 9 years a citizen.

The preceding summary of the grounds on which Mr. Gallatin based his claim of citizenship, and of the argument

by which he sustained himself, has been given to enable us to present the answer to these points, which we find among Mr. King's papers—an answer which, taking each one in detail, shows their fallacy.*—not that this was the only response, for after each of Mr. Gallatin's speeches, Mr. Lewis, the counsel for the petitioner, gave a clear and definite argument to meet each of his points. But this speech is a complete showing of the whole case and of the grounds on which it was settled against him.

* Among those who opposed the petition and maintained the right of the returned member to his seat, were John Taylor of Virginia, Mr. Monroe, and Mr. Burr. On the other side were Ellsworth, Strong, King, and their political friends. "To Mr. King it was assigned to answer Mr. Burr, if he should take part in the debate. Otherwise he was not to speak. Mr. Burr did not rise to address the chair until the president had proceeded halfway in putting the question: he then commenced and went through a discourse of considerable ingenuity. When he had finished, Mr. King immediately replied: and is said to have displayed his talents as an orator more powerfully than on any occasion during his whole life. An able judge of eloquence, and one of the first men of our country, represents the exhibition as transcending anything that modern, if not ancient times, ever produced. He says the orator worked himself up into such a fervour that he leapt from the floor, and that, extravagant as this action may now appear, it was no more than 'the action suited to the word.' . . . Of late years it has been observed, that Mr. King has, with few exceptions, chastised the ardour of his public discourses, and has made the animation of his manner give place to a more calm and dignified moderation."—WILLIAM COLEMAN, *Sketch of Rufus King, Descriptive Repository*, vol. I., p. 124.

In the year 1793, Albert Gallatin was appointed a Senator of the United States by the State of Pennsylvania. On claiming his seat in January, 1794, a petition was presented against his admission into that body, on the ground that he had not been a citizen the requisite number of years. The subject was referred to a committee of seven. Their report elicited a warm debate, which continued for several days. Col. Burr took an active part and greatly distinguished himself in support of Mr. Gallatin's claim. His colleague, Mr. King, had taken the lead against the right of Mr. Gallatin to a seat. Mr. Taylor, of Caroline, Va., addressed a note to Col. Burr, in which he says: "We shall leave you to reply to Mr. King: *first*, because you desired it; *second*, all depends upon it; no one else *can* do it, and the audience will expect it." The resolution vacating the election, on the ground of his "not having been a citizen of the United States, the term of years required as a qualification to be a Senator of the United States was passed by a vote of 14 to 12."—*Memo. of A. Burr*: Davis, I., 406.

It begins with a statement of Mr. Gallatin's points:

1. By co-operating in the war, and contributing to its success by being engaged in a common risque, a common interest, citizenship was obtained.

2. By being in Massachusetts after the adoption, but before the commencement, of the administration of Government, citizenship was obtained.

3. By being a Resident in Massachusetts in Mar. 1781, when the Confederation was ratified, citizenship was obtained, because that instrument is a general naturalization of all aliens inhabiting the U. S.

4. By naturalization in Virginia in Oct. 1785, I have been 9 yrs. a citizen, since that naturalization relates back to my natural or territorial Birth.

1st. It is truly said that the Declaration of Ind. laid the foundations of, and gave birth to 13 independent States or Bodies politic, composed of those subjects of G. B. who were the associate or contracting Parties: their date is the 4th July, and not that of the treaty of peace, or at any intermediate epoch. Mass. was therefore on the arrival of Mr. Galn. a nation in league with others and engaged in war with G. Brit. The assistance that a stranger afforded her in that war would not make him a citizen any more than aid afforded to any old nation engaged in war wd. make the character affording it a citizen; his arrival at such a period did not give him citizenship, more than at a period of peace. No authority can be shewn that such a law is common to all nations, natural Law gives no such right. A Society is a collection of associates; to belong to it requires mutual consent and thus every nation has some process whereby strangers are adopted who ask it. If any law has ever existed, as perhaps has been the case in some instances, it has depended on the laws of particular societies or nations. Mass. never adopted such law, therefore it cannot have been. It is unnecessary for a nation to pass a law agt. the adoption of Foreigners, since unless it makes a law in favor of such adoption, the event cannot exist. It is a mistake that natural Law, Reason or Practice will authorize a man to become a member of a nation without its consent—generally or specially given.

2nd. The reform of the Constitution of Mass. in .80 can give no such Right. Mass. was immediately on the Decln. of Indep. a nation, a body politic, a civil society, and has continued so ever since, notwithstanding any clause it may have made in its civil Constitution ; when a Monarchy is changed to a Republic, or a Repub. to a Monarchy, it is (says Rutherford) the *constitutional* compact that is changed and not the *social compact*. The french nation or society is the same, tho' her Constitution is changed ; and tho' she is struggling in war to support that change ; Treaties made with the nation before the change are still in force notwithstanding the Form of Govt. is changed ; and for this reason the social compact remains, tho' the form of Govt. or constitutional Compact is changed.

But admitting that changing or reforming the constitutional compact or scheme of Govt. involved the idea of a dissolution of the social compact, and that all persons present, and expressly and tacitly consenting, were included in the new Society, yet the case of Mr. Gal. is not within the Rule ; for the reform or establishment of the constitution was a compact between the people present the 15th of June 1780 ; the compact was then Completed and finished and the administration under it commenced in October following. In the intermediate Time, the people were engaged in electing the Officers and taking the requisite steps to commence the actual administration. It was a contract executed in June to be carried into effect in Oct. Mr. G., who arrived in the intermediate time was no more a party to the contract, than he who arrived at any period subsequent to Oct. But the first position is that which destroys Cavil and removes all Doubts on the Question ; a change of Govt. is one thing, a social compact is another—the first is frequent, the last is rare.

3rd. It is urged by Mr. G. that he became a citizen of the U. S. in virtue of the Confed. Art. 4, 1781 Mar. ; Decln. destroyed allegiance to the King, and thirteen independent States arose, the members of wh. immediately owed allegiance to the States respectively—in 1781. A new moral personage was formed by the Confedr. and by the 4th Art. of it all the free Inhab. (that is Inhabta. not slaves) were naturalized and made citizens, not of the *several* states but of the U. S., to which personage they afterwards owed Allegiance ; that he was then a free Inhabitant of Mass. and was

in virtue of this general naturalization made a citizen of the U. S. Before the Confed. there were no citizens of the U. S. ; the character was thereby created, and in consequence it is required that a Senator should have been 9 yrs. a citizen of the U. S.

First, on the Decl. of Ind. 13 new and separate states arose—these were independent and their citizens aliens.

and. The confed. did not abolish the sovereignty or Indep., nor did it create a general naturalization whereby the Citizens ceased to be Citizens of a particular state and become those of the U. S. No characters of the last description in strictness ever existed. No allegiance was ever due to the U. S. ; they had no law agt. Treason, nor had they power to erect courts to try such an offence ; Admitting that free Inhabitant describes a character who was not a citizen, and that the naturalization of free Inhab. took place, Mr. G. was not a free Inhab, since 12 months residence is requisite to gain such Inhabitanacy as wd. charge a town with the support of a Pauper, and since the higher privileges of Inhabitanacy are never gained in Mass. without the consent of the Town or the selectmen. (see Laws page 21.126 (225) in the sense of ballot Mr. G. was not an Inhab. of Mass in Mar. 1781.

But no such meaning as that contended for can be authorized by the article. If by *free Inhab.* is understood Inhabitants who are not, as well as those who are citizens, and it is admitted that the 4th Art. is a general naturalization, it follows that all aliens who for 8 months, and indeed for one month, or one week shall remain in the U. S. would, in virtue of the article become ipso facto, and that without request, and perhaps against their Consent, be citizens of the U. S. All for. merchants who then, or between that period and the adoption of the new Cons., resided among us have been naturalized and that without their knowledge, against their consent and interest.

All persons who at the period and during any portion of the term aforesaid happened to be within the U. S. were changed from For. to Citizens ; the weary Traveller in his first slumber, and while he still fondly dreamed of his beloved home, was changed, and altho' he slept a Briton he awoke an American Citizen. The magic is so pleasing that one could almost wish the Dream was real.

The social Contract converts the several associates into one moral Person—or Body Politic. This personage is composed of the contracting parties ; it continues by a succession by Birth and by additions by adoption or naturalization ; to whom allegiance is due I don't enquire ; I ask is A. B. a member of the Body Politic ? In reason every such addition supposes a renewal of the contract between the Body Politic and the adopted member—the consent of both parties is requisite. All persons are in legal contemplation members of some one nation ; this relation continues until they are adopted or naturalized by some other nation ; no nation except in peculiar instances adopts or naturalizes without the request, much less agt. the will, of the member of another society ; some formality which is individual and express accompanies naturalization. A citizen is bound by Duties to which an alien is a stranger ; he may not have them required of him without having consented to become a citizen, he ought not silently to be embarrassed with a double allegiance ; in short no doctrine is less supported than that which teaches that a nation may at their Pleasure adopt the citizens of another nation without their Consent or application—it certainly goes too far.

Besides this doctrine is not only novel and unreasonable, but against contemporary exposition, and indeed is repugnant to laws wh. may fairly be deemed declaratory of the meaning of the article.

By the construction insisted on, every foreigner, who before the new constitution and after the adoption of the Confed. came into this country and resided here a term, though not exceeding 8 months, became a citizen of the U. S. To such who did not desire this character such a law would be embarrassing—to those, on the other hand, who did, the law would prove highly convenient, since no expence, trouble, delay nor oaths were required ; while a provision so extensive, and so easily and economically to be employed was in existence. It was not necessary that the States shd. pass special Laws of Naturalization, or Laws marking out another course whereby naturalization might be accomplished, & who would have recourse to either mode while the fourth article of the Confed. furnished one so much easier, and which of the Legislatures wd. have passed laws in a case in respect to wh. the most ample Provision already existed ?

That the Legislatures of many, and most probably all the States passed such Laws during the time referred to is not to be doubted. In respect to most of the States the Fact may be proved. Mass. passed as many as 14 special acts of naturalization within that period. New York also passed many such acts, Virginia passed in 1783 a Law prescribing a course whereby naturalization might be effected in that State. Indeed, the acts of Legislatures, some of which recite that the person to be naturalized had resided several years within the State which naturalized them, in addition to the universal practice and opinion that an oath must be taken and a Proceeding had whereby the Fact of naturalization shd. be manifested and some record thereof be preserved, must be considered as a satisfactory Refutation of the Construction contended for.

It may be asked, if the interpretation insisted on is not correct, what is the reasonable and true meaning of the Article? I answer that as in a statute the Preamble is sometimes a Key, with which to unlock and expose the meaning of the Law, so here the object of the article furnishes a guide to explain it: this object was twofold, the securing and perpetuating mutual Friendship and intercourse among the people of the different states; and the article attains it first by removing the Disability of alienage in all cases in which a citizen removed from one state to reside in another; and 2ndly, by securing to the citizens of each state a right of ingress and regress to and from and of trade and commerce in any other state, upon the Terms enjoyed by the citizens of such other state; with one privilege beyond them, that of carrying under any circumstances out of a state any Property brought within it.

Not only the accomplishment of the object of the article is effected by this construction, the inconveniences of the one contended for avoided, and the acts of the Legislatures of the several states made requisite and proper; but the Terms are made to express their natural and familiar meaning. The word People is said to comprehend aliens as well as associates or citizens. There may be some authority for this opinion, I, however, am unacquainted with it; especially in the sense of the article. "The People of the different states" is the aggregate of the People of the several states. The People of France are the citizens of France, as distinguished from the People of England, or of any

other country. The People of New York are the citizens of that state; the process or command is in the name of "the People of New York": this excludes aliens since they cannot be imagined to have any authority to issue commands to the magistrates of that State.

The *free Inhabitants* of each state are said by Mr. Gal. to include aliens. The free inhabitants of each state—is not the word *of* in this case equivalent to the words *belonging to*? The house, or ship, of A. B., is the house or ship belonging to A. B. The ships of England are those belonging to England. The Inhabitants of England are those belonging to England, or English Inhabitants. The free Inhabitants of a state may not express the same idea as the free Inhab. in a state. A Citizen of New York, and a Citizen in New York may be different characters; one must belong to New York, the other may belong to Pennsylvania, or to France. I infer from this criticism that the Term free Inhab. in this instance means Citizen; and the clause is thus plain; for it removes the Disability of Alienage and permits the Citizen of one state without Naturalization to remove to and become a Citizen in any other of the states—thus promotes and secures mutual Friendship.

The object of the 2nd member of the Paragraph is to secure mutual intercourse by Trade and transit among the People of the diff. States; it asserts that *the People* of each state shall, &c. The term *the People of each State* must here be interpreted in the manner before contended for, or this consequence will ensue; that an Alien in New York, who in all his commercial transactions there paid Alien Duties, by removing to Massachusetts would be exempt from alien Duties and enjoy the privileges of Trade & Commerce as a Citizen—so absurd a provision could never have been intended. The necessary interpretation is therefore that which has already been explained.

Free Inhab. in the first clause means the same as *Inhabitant* in the second; in the second it necessarily means citizen; therefore the Term free Inhab. in the first clause means citizen.

The result of this debate was that, by a vote of 14 to 12, it was decided that Mr. Gallatin was not entitled to his seat,

not having been a citizen of the United States nine years before his election.

It may be proper here to mention an incident connected with this examination of the right of Mr. Gallatin to a seat in the Senate, as it changed the practice of the Senate to sit with closed doors at all times. As before mentioned, there had been many attempts to have them open when it was acting in a legislative capacity, so that those who chose might listen to the debates, but they had all failed, until, on February 11, 1794, a resolution was passed "that the doors of the Senate be opened during the discussion of the contested claim of Mr. Gallatin." A few days afterwards, on February 20th, a resolution was adopted:

"That after the present session of Congress and as soon as suitable galleries shall be provided . . . the said galleries shall be permitted to be opened every morning so long as the Senate shall be engaged in their legislative capacity, unless in such cases as may, in the opinion of the Senate, require secrecy, after which the said galleries shall be closed."

This rule of order now governs the proceedings of the Senate.

Mr. King uniformly voted in favor of having the legislative debates open to the public.

CHAPTER XXXI.

Correspondence relative to French and English Depredations—Madison's Resolutions to impose special Duties on West India Trade—Strong Feeling against England for her Spoliation—Warlike Preparations—Fortifying the Harbors—Even Sequestration of British Property proposed—Objected to—Embargo—Mr. Jay appointed Special Ambassador to England—Insurrection against Excise Tax on Whiskey in Pennsylvania.

R. TROUP TO R. KING.

NEW YORK, Jan. 1, 1794.

MY DEAR SIR :

What a pleasant thing it is to see Jefferson, Randolph & Genet by the ears ! All has ended well. There are now very few of Genet's friends, who have the hardiness to advocate his conduct. Brockholst & Co. have been compelled to change the subject of clamor, and are endeavouring to excite hostilities against Great Britain for making a peace between the Portuguese & Algerines. Upon this subject I have found some good men entertaining wild notions : but my hope is that the General Government will act without prejudice & that they will calculate with all possible accuracy the advantages we should obtain by engaging in a war. The great mass of our fellow citizens, most respectable for character & property still preserve their wishes for peace.

. . . It has been suggested to me that there may be an attempt to oust Lawrance of the direction (Bank of the U. States); & after mature reflection I cannot help concluding that the attempt would be impolitic in several respects. I think I can clearly see the distance between him and his old friends daily growing wider : and the force of a feather would almost throw him into the arms of our enemies. In the present state of things would it be wise to disgust him in such a manner as totally to alienate his

attachment from us? If this question should strike your mind in the same light it does mine, you will exert yourself to keep him in the Direction. . . .

Very sincerely your friend,

ROB. TROUP.

J. LAWRENCE TO R. KING, PHILA.

NEW YORK, Jan. 12, 1794.

Tomorrow we are informed the Commercial Battle commences in the House of Representatives.* I am of opinion that something ought to be done on the subject, but doubt whether the present moment is the proper one—I would rather do it immediately on the close of the European war, than while it continues. England has acted a very pitiful part towards us: notwithstanding a sense of what is our Interest to do, and not what she deserves from us, would actuate me; but some day or other I hope we shall be able to make the most of our situation without apprehension from any of the European Powers. We grow fast now—but should very much increase had we the possession of those advantages nature intended we should have.

It is to be hoped the Clamours of those, who pretend to very much republicanism will now cease respecting the connection of those in the Government with the Bank. I perceive you are all out, with yourself it was design—but how did it happen with respect to the others. I have been silent lately in my communications to you, as I was informed my being the person, who was the cause of Mr. Gelston's Appointment in the Branch, was to extinguish my pretensions to a re-election. What occasioned an alteration in the opinion of these Gentlemen?

You no doubt have seen our latest European Intelligence. I believe Peace is not far off and should not be surprised if we

* "Madison in a formal speech, introduced a series of resolutions (Jany. 3) based on Jefferson's Commercial Report, proposing, in addition to discriminating tonnage duties on the vessels of nations not in alliance with us, special duties also on manufactures of leather, metals, cotton, wool, linen and silk, the products of such nations; and with reference to the West India trade, additional duties on all importations by foreign vessels from ports to which American vessels were not admitted."—Hildreth's *Hist. U.S.*, 2d Ser., vol. i., p. 459.

heard in the Spring it had taken place. If it does not I am afraid we shall have use for the Frigates, could they be got ready so early, in relation to other Enemies than the Algerines.

Yours very sincerely.

JOHN LAWRENCE.

R. TROUP TO R. KING, PHILA.

NEW YORK, Jany. 13, 1794.

MY DEAR SIR :

I thank you for your letter of the 5th instant. Lawrence is well pleased with his re-appointment, and I have informed him of your friendly offices to effect it.

I hope the efforts of our friends will be successful in keeping the state ship in port during the present storm which rages with such destructive violence in Europe. If Madison's propositions be adopted I have little doubt that they will lead us into war. . . .

Yours,

ROB. TROUP.

J. ALSOP TO R. KING, PHILA.

NEW YORK, Jan. 14, 1794.

DEAR SIR :

By the newspapers you'll perceive the friendly conduct of the Court of Portugal by humanely granting the Americans a Convoy for their Vessels, protecting from the Algerine pirates, for which America ought to be thankful. I suspect it is more than our quondam friends the British would have done for us. . . .

JOHN ALSOP.

G. GORE TO R. KING, PHILA.

BOSTON, Jany. 19, 1794.

MY DEAR SIR :

. . . A vessel from London brings intelligence as late as the 9th of November. The newspapers contain accounts of the trial and execution of Brissot & twenty others. Another vessel

from Cadiz informs that she & 16 others were convoyed from that port by a Spanish fleet, bound to the Havanna. That no Algerines were seen by them during the voyage.

Affectionately,

C. GORE.

E. WATSON TO R. KING, PHIL.

ALBANY, 22d Jany, 1794.

SIR :

In consequence of our former acquaintance, I take the Liberty to address you on a subject which I suppose will come officially before you & in which I am deeply Interested.

Being a proprietor in the Glass House here, we had it in contemplation to have Petitioned Congress for an increase of the duties on Glass to 20 or 25 per cent previous to the Meeting of the present Congress. Our Intentions have received additional Support, in consequence of Mr. Jefferson's Report, and Mr. Madison's Bill on the subject of increasing the duties, in which to our Surprize Glass is omitted.

Gen. Gordon will present our Petition and we ground our hopes of success on these facts.

First. We are now encreasing the Plan of our Works on so Large a Scale, that we shall probably make Annually to the Value of £10.000 in Glass.

Second. The Increased price of Labor (a heavy expence since we have now nearly 100 men employed in various branches) and several essential ingredients, particularly Salt, in consequence of the War.

Besides which the National Convention having stopped all exports from France, except Silks and Glass, the consequence has been that Large quantities of Glass have arrived in the Port of New York, & we presume in other parts of America, which has been received and is selling at a reduced price greatly to our prejudice. . . .

Yours cordially,

ELKANAH WATSON.

R. KING TO DR. SOUTHGATE.

PHILADELPHIA, Jan'y. 27. 1794.

DEAR SOUTHGATE :

. . . Our sessions will close in a few weeks, and I shall return to the peaceful bosom of my family,—a scene in all respects different and more agreeable than that in which I am here engaged. . . .

Truly your friend,
RUFUS KING.

R. TROUP TO R. KING, PHIL.

NEW YORK, Feby. 4. 1794.

MY DEAR SIR :

The last post from Albany brought us the very agreeable intelligence that Benson is appointed our fifth Judge. *Magna est probitas et prevalebit*. Tell Hamilton that we are waxing more & more federal. Our Legislature have voted, or joint committees, of both houses, have agreed to recommend a vote—I am not certain which—of £50,000 for putting our harbour in a state of defence ; and have proscribed the suability of states as a thing ruinous to state sovereignty & state interests ; in conformity to Clinton's very federal speech at the opening of the session.

God bless you,
ROB. TROUP.

H. LEROY TO R. KING, PHIL.

NEW YORK, 13 February, 1794.

DEAR SIR :

What is it probable may be the Consequence of Mr. Genet's late requisition, to guarantee their W. India Islands, &c., according to Treaty ? An apology will I hope be made, indeed its out of our power to give them aid ; but what influence may not our Sans Culottes have on the occasion. I must confess that I feel anxious at the critical Situation we are in, and unless the French Sans Culottes are this winter starved into reason, and a good

Government, whh. I hope to God they may be, I fear we shall not be able to ward off the evil that Mr. Mad. and his party seem determined to bring upon us. . . .

Ever sincerely,
HERMAN LEROY.

J. DELAFIELD TO R. KING.

NEW YORK, Feby. 17, 1794.

DEAR SIR :

The Plan for a Genl. Insur. Office is now in such a state that in a few days it will be handed to those who wish to become subscribers. . . .

The Policy Brokers appear much alarmed and will prefer a Petition to the Legislature to prevent a Charter : at our Saturday party it was the prevailing sentiment, that the Policy might be so written as to make a Charter unnecessary.

The Brokers' Petitn. against the Comy. is signed by Buchanan, Bayard & some others. Mr. Low tells they feel ashamed of what they have done.

Saidler grossly imposed on Mr. Alsop who also sign'd it, as he was told it was a Company of Speculation & Monopoly and calculated to ruin all the Brokers.

Yr. very truly,
JNO. DELAFIELD.

N. LOW TO R. KING.

NEW YORK, 19 Feby. 1794.

DEAR SIR :

. . . The proposals for establishing a general Insurance Compy. progress and will be engaged in by a great Number of Men of Character & Property—some of the Brokers got alarmed and were joined by some of our wise Blockheads, Underwriters & others, to sound an alarm full of the old Cant Terms Aristocracy, Monopoly &c. &c.

Yours very sincerely,
NICHs. LOW.

J. WATSON TO R. KING.

ALBANY, Feby. 23, 1794.

DEAR SIR :

. . . Our eyes are upon you for whatever most essentially concerns us. We generally wish a continuance of peace, and have strong confidence that your wisdom & firmness will preserve it to us. . . .

JAMES WATSON.

E. WATSON TO R. KING, PHIL.

ALBANY, Feby. 19, 1794.

DEAR SIR :

. . . The eyes of America are anxiously turned towards you ; for on the wisdom of your measures depends our happiness or misery, at least in this world. The weight on your shoulders is immense. God send you a good deliverance. . . .

ELKANAH WATSON.

H. LEROY TO R. KING, PHIL.

N. Y., Feby. 23, 1794.

DEAR SIR :

Manifold occupations have untill now prevented my replying to your kind favor of the 16th Inst., whereby I was happy to perceive there was no foundation for the report of the French Nation having called upon our Government to aid them with men &c. I sincerely hope with you Madison's resolutions may lie dormant. But will not the unjust condemnations of the English of our vessels in the W. Indies tend to awaken them again ? We have a report here that Mr. Hammond has assured the President that full compensation shall be made to the Sufferers ; if true & executed, the minds may be pacified. Wds. are getting hot on that Score. The Resolves of the Town Meeting in Boston you have seen, no doubt, and I am apprehensive that will become the general Stumbling-block. Pray have there been satisfactory accounts received from our Minister in London ? If they would

only relinquish the Western Posts, the existing uneasiness would in a degree subside. . . .

Ever sincerely yr. obdt. St.,

HERMAN LEROY.

C. GORE TO R. KING.

BOSTON, March 3, 1794.

MY DEAR FRIEND :

I have the pleasure to inform you that the town meeting call'd by Jarvis and others to influence the votes of our representatives on Madison's resolutions, ended in a compleat overthrow of those who advocated the interference of the town. It is said that we owe very much to Eustis, Jones & Codman and Lyman. Otis also took a decided part and greatly aided the cause of good government & order. Jarvis and Austin descended to personal abuse ; their supporters clappd. and huzza'd applauses on their harangues ; they hiss'd when the opponents spake ; but all this was without avail, and was in no instance imitated by those who supported the conduct of our representatives. The majority was more than two thirds ; the minority included none who were even known to the town except Jarvis, Austin and Nath. Fellows ; and a paper declaratory of the sentiments of more than three hundred persons concerned in trade has received their Signature and been forwarded to Cabot and Ames ; this was read with great force in the meeting.

A vessel arrived yesterday from Bermuda & New Providence and brings accounts of our vessels being discharg'd that were carried into those places. Some property belonging to Higginson & others hath been restored, and vessels bound from the french W. Indies to Europe have been discharg'd by their Courts and damages paid for their capture and detention. This has come very opportunely, and materially affects some Merchants who were hardly induc'd to vote against the report of the committee. Our merchants now enjoy great spirits and feel that they can carry any point they choose : but we are not to expect they will always be so active and persevering as in this instance.

Affectionately yours,

C. GORE.

H. LeROY TO R. KING.

NEW YORK, March 5th.

. . . I sincerely hope Mr. Fauchet may continue his mild behavior, and that our Jacobins may not have influence or corrupt his present good intentions towards the Executive. I am sorry though to learn that Mr. Pinckney's dispatches are not flattering as could be expected ; I will however hope they are not of a threatening nature. I congratulate you with your success in ousting Citizen Gallatin, that 's one great object gained.

By the papers of this day you will see the resolves of the Committee, whh. are not much thought of. You will also perceive that from the Chamber of Commerce whereby it appears that no application has been made to their Committee, to complain to the Executive as to the injuries committed on our Flag by the Nations at war. This shows that the meeting were not composed of great sufferers, and that evidently they had a different object in View. Yet I must confess that I feel alarmed at our present Situation. . . .

HERMAN LeROY.

H. LeROY TO R. KING.

N. Y., March 7.

MY DEAR SIR :

I this morning wrote to you in haste a few lines to inform you that Toulon was evacuated, the bells have been ringing this whole day on this *joyfull* occasion, and they are actually now at it, although 6. o'clock, to that degree, that their noise makes me feel disagreeable, and I wish that it was done on some other occasion more to the benefit of mankind. The principal cause of the Surrender appears to be owing to a disagreement between the Spaniards & British. I wish to God they would quarrel themselves into a general peace, that we may not be disturbed here. . . .

Your humble servant,

HERMAN LeROY.

March 7th.

MY DEAR SIR :

I am truly thankful to you for the contents of your kind letter dated 2. March and am sorry thereby to perceive the gloomy appearance of our being involved in the general Calamities of Europe. Last evening arrived here the Brig Morning Star belonging to this port from Carthagen. She confirms the surrender or evacuation of Toulon on the 19th December. The British got their fleet safe out, with only two French ships of the line & 4 Frigates ; the remainder of the ships found there, they were compelled to burn, with the arsenals, stores, &c. 4000 inhabitants left behind were driven in a square and there massacred by the French when they took possession ; some say the number was 10 thousand. The Spaniards suffered considerably at the evacuation ; part of their troops were arrived at Carthagen, before the sailing of the Morning Star. Some of the poor unfortunate Refugees have actually come passengers in the Vessel.

Our bells have been ringing since daylight to celebrate an act wh. if true, disgraces human nature.

Sincerely though in great haste,

H. LeROY.

J. LAWRENCE TO R. KING, PHILA.

NEW YORK, March 8, 1794.

MY DEAR SIR :

. . . You no doubt have seen the Resolutions (of the Meeting). They are different from a sett expected, and were produced by some moderate men, who are attached to the general Government. Since the Resolutions have *passed* we have been tranquil & I suppose that we shall remain so.

You will perceive the abandonment of Toulon by the British & Spaniards, is now well authenticated. The combined Powers are very much in disgrace. The Campaign being a very unsuccessful one, it is to be hoped they will desist from prosecuting any farther the objects of their combination. I cannot induce myself to believe we shall be involved ; we have stood clear of the Dan-

ger hitherto, & I have confidence our Rulers will keep us out of the Scrape, however it may be the desire of some to get us into it.

Yours very sincerely,

JOHN LAWRENCE.

R. KING TO C. GORE.

PHILADELPHIA, 10 March, 1794.

DEAR SIR :

Your letter of the 3d afforded us some satisfaction so far as it authorises a belief that the late vexatious seizures of our vessels in the West Indies have been without authority. We are still however anxious upon that subject—the very general capture, and the condemnation in several cases, of vessels engaged in a commerce beyond all doubt lawful, is an affair of great embarrassment ; and which may assume a character of great political Importance.

If without notice, and before the Commencement of military operations in those seas, they should condemn our Property already, and which still may be, captured, the inference is too obvious not to be alarming.

I hope a general Release and indemnification will take place ; but this transaction together with some other circumstances of an unpleasant nature, admonish us to prepare for the worst.

It will be our object to preserve peace—but it is our Duty to adopt measures to place the Country in a state of greater security.

We must, and shall, attempt to fortify our principal Harbours—to equip a number of stout Frigates, to engage a respectable military force to be provisionally employed, and also to impose some internal taxes.

We shall, when these arrangements shall have been taken, be able to insist upon our Neutral Rights with a greater prospect of success, and by that means we shall possess a more rational foundation to expect the enjoyment of Peace.

Yrs very truly,

R. KING.

J. ALSOP TO R. KING, PHILA.

NEW YORK, March 12, 1794.

DEAR SIR :

. . . As I am advanced in life & my infirmities increase, I wou'd suggest to you the resigning your seat in the Senate, as I think you can do it with honor & propriety in my present situation especially, for when I get out, it will not be in my power to continue the care of my own affairs, & yours of course will require attention ; as our Legislature are now in session (if it accords with your sentiments) it may be as proper a time as any. However this must rest on your determination ; it wou'd give Mrs. King pleasure & me satisfaction to have you at home. We are all well but myself.

Yours most affectionately,

JOHN ALSOP.

J. WATSON TO R. KING.

ALBANY, March 15, 1794.

DEAR SIR :

I received your favor of March 2nd, for which I am particularly thankfull. A Bill had been sent by the Senate to the Assembly for fortifying the port of New York. I was opposed to it upon constitutional grounds partly, & partly because I conceived it to be the indispensable duty of Congress to protect us. There was no question, but that if they neglected to do it, and danger impended, we ought to do it for ourselves. This danger was not then in my apprehension sufficiently apparent ; your letter * came the next day, and almost convinced me it was. Besides the Bill might have been passed *ad referendum*, or commissrs. been appointed to carry the object into effect in case of exigence during the recess of Congress and of our State Legislature. But a motion to reject it was made on the reading of the first clause and carried. A Bill has since been bro't into the House by a different title proposing to loan money to Congress for the purpose of fortifying our port. This with proper modifications may be made to answer the purpose and is not unlikely to pass.

* This letter cannot be found.—ED.

A Bill has also passed the Assembly to appropriate the sum of 75,000 Dollars for the procurement of artillery, arms & ammunition for the militia of the state.

The Report of the Committee of Congress respecting fortifying the sea ports of the Continent gives facility to these measures. It is so utterly incompetent, that but little good is to be expected from any measure founded upon it. . . .

Yours &c.,
J. WATSON.

C. GORE TO R. KING.

BOSTON, March 15, 1794.

MY DEAR FRIEND :

We are continually receiving information of the capture, detention & condemnation of our vessels in the W. Indies. Our merchants conduct with great moderation & temper on the occasion. Convinc'd that their losses might be increas'd, but cou'd not be diminish'd by war, they are averse to it themselves, & unremitted in their efforts to convince others of the fatal consequences of such a step. They hope, they trust that a claim on the British Government, supported by plenary evidence of the amount of their losses, of the circumstances under which they were incurr'd, of their scrupulous attention to the obligations of neutrality, wou'd produce an indemnity. The whole force of those British merchants, who trade to this country, I am well convinc'd, cou'd easily be brought to act in concert with the American Minister in support of such a claim. The sufferers here think that a special deputation for this purpose wou'd be more efficacious, than making the representation through the common medium. Perhaps this might be thought by the government an unnecessary expense & perhaps it might be consider'd as reflecting on the conduct or talents of Mr. Pinckney.

Supposing such considerations to weigh against a special deputation—there can be none against making the claim thro' Mr. Pinckney in a manner the most flattering to British pride, most soothing to their wounded spirits, at the same time, most alarming to their apprehensions. A claim thus made, on ground assumed

as absolutely true, that Great Britain cannot hesitate to afford a satisfactory reply to so just a demand, might be attended with salutary consequences. At present, our people treat with disdain every suggestion of an attack on the property of individual subjects of G. Brit., either in the funds or elsewhere. But such a temper cannot be expected to continue for any length of time, in those, who, from the most elevated state of affluence, are thrown into poverty and bankruptcy—and this will be the unfortunate lot of many of our meritorious citizens, & of that class—of those very men, who have exerted all their powers, & successfully too, to preserve peace and order and a good understanding between the two countries.

The merchants of Salem have not that spirit of forbearance, which operates on those of this place. I was there the last week, and saw with pain the temper they discover'd. Heated and angry beyond the point that wo'd probably promote their interests, they talk of the advantages to be derived from privateering and exult that W. Gray & others, who have always express'd their confidence in the justice of the British nation, are in danger of being ruin'd by the detention of their vessels in the W. Indies. But still, I think, they will not, at present, take any rash steps.

Yours affectionately,

C. GORE.

W. WILCOCKS TO R. KING, PHIL.

ALBANY, March 16, 1794.

SIR :

I have seen your letter to our Speaker. We had shortly before received a bill from the Senate, for fortifying the port of New York. It became the subject of lengthy and animated discussion, but was finally rejected upon an Idea that we were not in *imminent* danger ; and that it was the duty and interest of the federal Government to attend to our defence.

The constitutionality of our right to erect fortifications was a theme of much declamation, pro & con. In this I flattered myself, the affirmants had greatly the advantage. But the other doctrines, with the narrow spirited parsimony of public monies, damned the bill.

Your letter, however, came very opportunely and had the happiest influence on the unbelievers & *sinners*. This was also very well seconded by the report of your *fortification* Committee. It was the occasion of laughter, if not contempt, & afforded the best evidence that Congress either will not, or cannot give us that protection which the nature of our Harbor, the importance of our commerce, and the occasion require. We have therefore originated another bill *provisionally*, about the success of which there is little doubt, as the minds of the opponents are materially changed.

Probably before this arrives you will have found that we passed a bill, appropriating 75,000 Dolls, for the purchase of 10,000 stand of arms, and 42 pieces of field artillery, powder and ball &c. I stood alone for \$200,000, deeming it *nonsense*, if not unnecessary, for a free people, or perhaps any other, to hold immense sums in bank.

We have confidence in the Wisdom and prudence of the Common Government, and therefore, tho' it seems to be the hope of every rational man that we may avoid the war, still that if you declare it necessary, it shall be supported with fortitude and energy.

WM. WILCOCKS.

H. LEROY TO R. KING, PHIL.

NEW YORK, March 19, 1794.

DEAR SIR :

. . . Our political affairs wear really a gloomy aspect, & I do not see how its possible for us to avoid the general calamity that threatens us. Mr. Sedgwick's resolutions * are liked pretty generally here, excepting by a certain Sett, who you know will oppose any thing that may tend to strengthen the general Government. However, I hope they will be adopted and happy should I be if the President had at his command a good army to insure a good government to us. The Livingstons are clear for a war. John is,

* "Sedgwick introduced a series of resolutions for the raising of fifteen regiments of a thousand men each, to be enlisted for two years, but bound to serve three years if war should break out," etc., etc. Hildreth's *History of United States*, 2d ed., vol. i., p. 482.

in consequence, buying up all the Salt he can lay his hands upon, and if a war takes place, it must be a good one. What do you think of such a speculation? if there is a probability of a war salt must rise; but if I was to speculate in it, I should be for storing it at Hartford or some other safe place from the seashore. This city not being fortified will undoubtedly be much exposed, and the forts the general government mean to build here are deemed altogether inadequate.

I have heard one reason given why there certainly would be a war; it was because Mr. King had sent orders here to stop the building of his house.

Ever sincerely your humble servant,

HERMAN LE ROY.

C. GORE TO R. KING.

BOSTON, March 19, 1794.

MY DEAR FRIEND:

. . . A feast is to be had in this town to celebrate the victories of the French. The Lt. Governor, we hear, has ordered that the collation shall be served in the Senate chamber; and that a military corps shall parade in honor of the day.

Affectionately your friend,

C. GORE.

J. JAY TO R. KING, PHILA.

N. Y., 22 March, 1794.

DEAR SIR:

I have received yours of the 2d inst. The aspect of the Times begins to alarm. The means and manner contemplated by Congress for fortifying this city are unsatisfactory here. They appear to me inadequate and improper. The Narrows & Hell Gate are the only places which in my opinion merit any attention.

Among the measures which strike me as adapted to the actual State of things, I am much inclined to a *perfect* stop to the Exportation of Provisions of every kind for at least 6 or 8 months. I presume that the military operations especially in the W. Indies

are calculated on supplies from the U. S. An unexpected disappointment cannot be without Effect. All the powers at War wd. feel it in a degree, and be more cautious of interfering improperly with our Commerce and Navigation.

Yours sincerely,

JOHN JAY.

J. LAWRENCE TO R. KING, PHILA.

NEW YORK, March 23d.

MY DEAR SIR :

We are anxiously awaiting to hear the Result of the Debates in Congress which have been had for some days past with closed Doors. Our affairs are more critical & alarming. I am really apprehensive the continued injuries we receive from England will oblige us to take decisive and hazardous measures against her. The opinions of people have changed very much lately on this subject. Those who were very pacific are now differently disposed, and I really believe, should you make use of the last reason, great unanimity would prevail. However let it be the effect of dire necessity, not choice. . . . Our Legislature is still setting. A petition has gone from this place for a grant of money to fortify this place, the Congressional estimate being inadequate.

Yours &c,

JOHN LAWRENCE.

STEBEN TO R. KING.

NEW YORK, March 25. 1794.

DEAR SIR :

Bound to the State of New York by every sentiment of gratitude and affection and feeling the sincerest attachment to the inhabitants of this City, who during a long residence among them have ever treated me with the most affectionate regard ; It was impossible not to be insensibly affected in reflecting on the defenseless state of this Harbour at a moment so critical as the present. This led me some time since to take a particular survey of the Entrance of the Harbour & to consider the means of

its defence. My opinion on this important object together with the plan of Fortifications refer'd to, I offer to my fellow citizens as a small tribute of my gratitude towards them.

To you, Sir, as one of our Representatives in Congress, I enclose a copy ; you will make the use of it you think proper. And I shall make the like communication to any Citizen or Body of Citizens who may desire it. If you wish any further Explanations on the Subject, I shall be always at your Command.

I am Dear Sir, Your Sincere Friend and Humble Servn.

STEUBEN.

H. LEROY TO R. KING, PHILA.

NEW YORK, 30 March, 1794.

DEAR SIR :

I have been duly favored with yours of the 20th Inst., wherein I was really sorry to perceive the rash and premature motion made by Mr. Dayton & Wm. Smith, to Sequester all British Debts, private & public. The arrival here of the Proclamation of the 8th of Jany. started our Funds generally 6 pr. ct. & the news of the above motion lowered them again as much on Saturday. I have my doubts whether such a measure would be justifiable, were the British even to confirm the condemnation and object to Compensate. It would undoubtedly occasion many rascalities amongst us & prove ruinous to our public credit, which most certainly is our interest to preserve in every point of view. . . .

Mr. Yates of this City has by this Packet received a letter from Bird, Savage and Bird of London, informing him that a Committee of Merchants interested in the American Trade waited upon Mr. Pitt to know the cause of the condemnation of so many American vessels in the W. Indies ; to whh. he replied that it was contrary to instructions given, and that the most ample compensation to the sufferers would be given. This news I presume Mr. Hammond will communicate to the Executive, and I hope confirm it in such terms as to induce the Government to raise the Embargo, and adopt such lenient Measures as will tend to insure us the blessings of Peace, so desirable to this Country. . . .

Ever sincerely your humble servn.

H. LEROY.

J. ALSOP TO R. KING, PHIL.

NEW YORK, March 31, 1794.

By this time I suppose that you have the great news as it is call'd from England in favor of our Neutrality, which I think carries a check with it, that the Americans will not agree to, whh. is that when our Vessels are acquitted they are saddled with the costs, besides the delay and damage that may fall on the Cargoes, during the long time they generally wait before they can have their adjudication. It is too humiliating for a free & spirited people to bear. . . . Since writing the above, recd. yours of the 29. I still fear if Congress sits long their warmth and rash resolves may be injurious to the Continuance of peace; my sentiments are, cou'd they agree to rise and leave sufficient power with the Executive, it would be to our advantage at present.

Yours,

JOHN ALSOP.

J. LAWRENCE TO R. KING, PHIL.

NEW YORK, April 3, 1794.

MY DEAR SIR :

It is very clear if the British had been successful against the French, at the close of the last campaign, they would not have changed their Conduct respecting us. The concealment of the instructions of the 6th of Nov. until the end of December evinces their disposition to have injured and irritated us as much as possible, and the speech of the Canadian Chief * proves their determination to have measured Swords with us, were we indisposed to have borne with their Insults and Injuries. The hatred of the British Ministry to this Country is too apparent to admit of a

* Refers to a " Speech of Lord Dorchester to certain Indians who had waited upon him as a deputation from the late general council held at the Rapids of the Maumee. The suggestion in this speech of the probability of a speedy rupture between the United States and Great Britain was taken as new and strong proof of the hostile disposition of the British, especially as Lord Dorchester had just returned from a visit to England and might be supposed to speak with authority."—Hildreth's *United States*, 2d Ser., vol. i., p. 483. See also page 524 of this volume.—ED.

doubt, and I sincerely hope the Wisdom and Fortitude of our Legislators will improve the moment to put us in the best state of defence possible ; nay offence, should they not make us a compensation for the injuries they have committed and remove every cause of complaint. It is best now the quarrel has begun, altho' Blows have not taken place, to settle every grievance. Some time or other it must be done, and we never shall have harmony between the two Countries until there is a full and fair settlement.

I sincerely hope you will not relax from the system which had begun to show itself. I mean fortifying our Ports, having a competent select body of Militia ready, supplying the deficiency in the Army & providing for its increase on the contingency of a war, laying internal taxes sufficient to support our Credit, ascertaining the extent of our injuries, and demanding Compensation. I am averse to the plan of Sequestration. I think it will do us more Injury than benefit. Altho' they have taken from our Merchants their property, in a private and secret manner, I would not be guilty of like conduct. There is more magnanimity in coming to an open Rupture than in taking the property of men who trusted it on Public Faith and private Confidence. I wish the proposition had not been made. I cannot think it will succeed. If it should be expedient, it must be clogged with many provisions which will render it less productive than may be supposed. . . .

Yours,

JOHN LAWRENCE.

J. ALSOP TO R. KING, PHILA.

NEW YORK, 4 April, 1794.

Your two last inform me that Col. Hamilton will probably be appointed Ambassador Extrâ. to the Court of London which I believe will give general Satisfaction, as I think he has the full confidence of the Merchants and the people at large ; add to that his well known abilities. . . . I can tell no news. . . . except that Mons. Genet is to be married in a few days to Gov. Clinton's Daughter.

JOHN ALSOP.

H. LEROY TO R. KING.

NEW YORK, 10 April, 1794.

DEAR SIR :

I was much pleased to perceive by your esteemed favor of the 2d Inst. that new instructions from Great Britain relative to our Trade had tended to soften in a degree the growing resentment against G. Britain. But on the Contrary, I am sorry to perceive that your expectations are not verified as to the Sequestration of the British debts, since it appears that on yesterday Mr. Dayton was to call his motion up again in that respect, whh. I sincerely long to hear may have been rejected by a considerable majority in the lower house.

. . . I sincerely wish with you that Col. Hamilton may be appointed and that he may speedily go as Ambassador Extraordinary to England. Then there would be some hopes of our remaining in Peace.

With sincere esteem your humble servant,

HERMAN LEROY.

J. ALSOP TO R. KING.

Friday, April 10, 1794.

DR. SR. :

Our newspapers still teem with Captures and Condemnations by the British ; if so they only seem to amuse us with peace and neutrality when they don't mean it ; I think a little time must unveil their designs.

It has a suspicious appearance that we have no late arrivals from any port in England, tho' many vessels expected, and a long course of Easterly winds has prevailed. I hope Congress will not relax their embargo, nor any spirited conduct to support the right and dignity of the Americans until they are fully convinced that England intends peace. . . .

Yours,

JOHN ALSOP.

R. HARISON TO R. KING, PHIL.

NEW Y., April 15, 1794.

Writing for advice as to whether he should accept the Judgeship offered to him he says also, "The appointment of Mr. Jay gives great satisfaction to the more considerate Citizens. I hope it may be attended with the most salutary Effects to his Country. . . .

Sincerely yours,

RICH. HARISON.

J. ALSOP TO R. KING.

N. YORK, 16. Ap., 94.

DR. SR. :

. . . I see in our paper that Mr. Clark's motion passed in the affirmative on Monday in the committee of the whole house ; this, if my conjectures are right, that our ships in England and Ireland are embargoed, forbodes a war with that overbearing and unjust nation, who still continues capturing our Vessels in the West Indies. It will be an unfortunate affair for us ; but if they are determined, we must fight with the only weapons we have at present—say a non importation and non exportation ; if I don't err in my judgment a year or 18 months will bring them to do us justice.

Yours,

JOHN ALSOP.

J. LAWRANCE TO R. KING.

NEW YORK, April 16, 1794.

DEAR SIR :

It is remarkable we have no arrivals either from England or Ireland. Some People are apprehensive our vessels are detained. Yesterday a vessel arrived from Lisbon. Reports say 20 of our vessels have been captured by the Algerines. The enclosed paper will communicate what foreign intelligence we have received. The French were peaceful. I wish you had less Passion and less Party. They intermix too much in deliberations and measures. I am afraid we shall slide into the war, tho' with the

best dispositions in many to avoid it, but before we engage I think we shall lose many of our seamen and nearly all our vessels.

Yours,

JOHN LAWRENCE.

R. KING TO —.

PHILA., Apl. 16th, 1794.

The house are angrily engaged on the subject of British Spoliations. The old spirit of opposition seizes the present moment of injury & Resentment to execute mischiefs long meditated. I hope these men, as heretofore, will fail in their Efforts and that sober and virtuous men will still be able to preserve the public peace and honor.

As the prospects of peace brighten, the Efforts of these Sons of Faction are redoubled. They will resist every measure calculated to heal the Breach between us & G. B., and the project of negotiation will be opposed or, if likely to be carried, attempts will be made to embarrass it with unreasonable instructions. It will notwithstanding their Resistance be adopted; and if the choice falls on the Ch. Justice Mr. Jay, we may indulge the hope that we shall be able to escape war.

Yours, &c,

RUFUS KING.

W. COOPER TO R. KING, PHIL.

COOPERSTOWN, N. Y., Apl. 17, 1794.

. . . Preserve the Peace of America if you can, for we have *all to lose* and *nothing to win* by war. Remember that *Peace* makes *Plenty*, *War* makes *Poverty*; as to the forts, why should we quarrel about what is done with; 10 or 15 acres of land at Niagara, when we have so many millions lying waste. Congress had better counsel together on the most eligible mode of inviting European farmers & manufacturers into the unimproved parts of our country and advising ways to improve the navigation of a number of our long rivers. . . . Dayton's Sequestration motion must hurt him in the esteem of the honest people of the

West Jerseys. Such ideas will not stand the test of sober inquiry.

Yours sincerely,

WILLIAM COOPER.

J. ALSOP TO R. KING.

N. YK., 17, Ap., 94.

I am of opinion with you that it wou'd be best to continue the Embargo at least another month; the merchants had better suffer a little by their vessels lying at the wharf, than sending them out with Cargoes and have them taken; whh. still seems to be the case. It is said the Spaniards take all about Hispaniola. But I think you are right in not immediately interdicting our Commerce with Great Britain (if by the detention of our vessels they have not begun) until a negotiation takes place, provided it is not too long upon the carpet, and in the interim they continue their depredations on our Commerce. I wish Mr. Jay was appointed and would accept; we all know his abilities and firmness. That paragraph of yours informing of the appointment of Mr. Higginson to go to the W. Indies, as it was of a publick nature, I thought proper to communicate to our insurance office, and desired them to inform the merchants concerned in that commerce that they may act as they judge best. I may as an underwriter be eventually interested, but not being an owner have no authority to impower any person. By your 2nd I observe two American vessels acquitted at Antigua; but the newspapers say that in St Vincent and other Islands they were condemned, notwithstanding the 2nd. proclamation was produced in Court. . . .

Yrs.,

JOHN ALSOP.

C. KING TO R. KING.

NEW YORK, April 21, 1794.

DEAR BROTHER :

. . . The appointment of Mr. Jay as Envoy Extraordinary, is very satisfactory to the friends of peace & moderation. Mrs. Jay, I am informed, can scarcely reconcile herself to the event. The election for Senators and Assemblymen goes on with much spirit.

Peter R. Livingston has intrigued himself into several nominations and such is the confidence, or rather *presumption* of the man, that he has laid several *bets* he will be elected. To secure these bets, *personal solicitation* & no doubt *corruption* are employed. . . .

Your affectionate Brother,

CYRUS KING.

P.S. The fortifications on Governor's Island are conducted with great spirit ; soon may we hope to be protected from all enemies—except our own citizens.

J. ALSOP TO R. KING, PHIL.

NEW YORK, Ap. 22, 1794.

By the arrival of the ship Ohio from London we have the pleasing intelligence that G. Britain continues friendly disposed, and if they do us Justice to make Satisfaction for the robberies their Cruizers have committed on our West India commerce, think it will be well then to relax the embargo, & Mr. Clark's resolution for interdicting our commerce. It appears by the newspapers that they, G. Britain, have enough to do without quarrelling with us.

Yours,

JOHN ALSOP.

J. LAWRENCE TO R. KING.

N. YORK, Apl. 24, 1794.

DEAR SIR :

Three of our London vessels have arrived. The Ohio, Belvidere & Ellice—full of goods, and it is said some of them on consignment. This circumstance is not unfavorable to an opinion, that the conjecture in England was, we should remain at Peace and property might be sent here advantageously and with Security. I think from present appearances our condition, in relation to a rupture is less gloomy than it has been for some time past. We may, with prudence, weather the storm. I cannot think the Resolution altho' altered on the principle of its being amended will pass into a law. Time is of immense value to us, and before our final determination I hope many things will hap-

pen to convince us, peace is not only desirable but that it will continue. Our defensive works go on with spirit and make considerable progress. We shall soon hear of the operation of the Embargo in the West Indies. If felt injuriously to any great degree, it may have a proper effect, in occasioning a treatment very different from what we have experienced. We have been sincerely disposed to be neutral, and we ought to have been supposed to remain so. . . .

Very sincerely yours,

JOHN LAWRENCE.

H. LE ROY TO R. KING, PHIL.

NEW YORK, April 25, 1794.

DEAR SIR :

. . . Private letters announce that the British Government have promised their merchants that they will grant our vessels a convoy since our good allies think proper to make free with our vessels and cargoes. This intelligence whh. is true does not look like unfriendly measures pursuing towards us. We have nothing new here. Our fortifications go on with rapidity. Those on Governor's Island are nearly compleated. Our citizens indiscriminately turn out to aid, and our *worthy* Commander in chief is conspicuous in shewing them the Example of handling the spade.

With sincere esteem your humble servant,

HERMAN LE ROY.

J. JAY TO R. KING, PHIL.

N. YORK, 29 Ap., 1794.

DEAR SIR :

Have you thought and decided? My opinion and I may add my wishes remain the same; of domestic objections you can form the best Judgmt. I wish they may not be insuperable. I intended to have seen you before I left Pha., but it so happened that I was kept engaged untill the last moment. We are here at a loss abt. a vessel. The neutrals in port are neither plenty nor very eligible. It is *probable* that we shall take our chance in an American. . . .

Yours,

JOHN JAY.

Beneath this in the handwriting of R. King is the following :

Answered 2 May that I cd. not consent to accompany Mr. Jay on his Envoyship, because, equality of Parties, uncertainty of ye close of the Session, the still greater of the time of the next meeting, added to domestic objections, forbid the measure, &c., &c.

J. ALSOP TO R. KING.

N. YORK, Ap. 29, 1794.

By our late arrivals from Greenock & Liverpool I perceive that the French are capturing our Vessels bound to Holland & Bremen, loaded with sugar, coffee and cotton. Surely they don't intend condemning them. If they do I hope Congress will have it in their power to compensate the Owners and Insurers ; if not many of them will be much injured. This conduct, with embargoing so many of our vessels for many months, does not accord with their flowery address lately sent to Congress. I fear they have not lost the French flattery and duplicity.

This with the conduct of the British in the W. Indies must undoubtedly distress a great number of our merchants. . . . I heartily wish our Envoy Extra. to the Court of London may have some influence to do us Justice. If not, I think Congress will do us Justice by interdicting their commerce until they do what is right by the Americans. . . .

Yrs. &c.,

JOHN ALSOP.

H. LEROY TO R. KING.

NEW YORK, 1. May, 1794.

DEAR SIR :

. . . I have received your kind and agreeable communication of the Senate's Non-concurring Madison &c prohibitory act. All well wishers to good Government are extremely happy at this event, and your fellow citizens will ever look up to you in particular with sincere gratitude for your great exertions in endeavoring to save your Country from the eminent danger it has been in.

The opposition to Government in the lower house, now seeing that none of their measures unfavourable to our prosperity can be carried, will of course be for adjourning. . . .

Yours, &c. &c.,

HERMAN LE ROY.

J. JAY TO R. KING, PHIL.

N. YORK, 3 May, 1794.

DEAR SIR :

I was this morning favd. with yours of yesterday, and regret the obstacles you mention.

A Report is prevailing here that the chancellor is contemplated for France. Mrs. Montgomery is said to have mentioned it—on what authority I know not. Your question deserves mature consideration. Unsuccessful opposition gives strength, especially in the Cases where it may be ascribed with a tolerable degree of plausibility, to personal and Party animosities. It is also a serious question who should succeed as Chancellor. In some hands that office would weaken the security of Property, & be the engine of much political mischief. If he should be nominated by the Presidt. and approved by the Senate ; my Plan would be, to put you in his place and Gulian Verplank in yours. I am too much pressed for Time to write to our Friend Hamilton on these subjects. I meant to suggest to him some Hints and immature Reflections, for I have not leisure to form any opinions which I should venture to rely upon. Be so good as to communicate this letter to him. This opinion I *can* rely upon, that it will always be best for you to consult each other—rational men need and ask advice ; not for *Direction*, but for *information*.

Yours very sincerely,

JOHN JAY.

R. KING TO J. ADAMS.

PHILADELPHIA, 20 May, 1794.

SIR :

The amendment reported by the committee of the Senate to the bill relative to the balances due the creditor states is in itself so important, & particularly so interesting to the state of New

York, that I feel great reluctance to be absent while the same is under discussion ; but a sudden indisposition in my family compels me to return to New York. I hope to be again in my place on Monday or Tuesday next.

May I be permitted Sir, through you, to request the Senate to suspend a decision upon this subject for a few days? The unexpected absence of my colleague, occasioned by an afflicting event in his family, may be deemed an additional apology for my asking this indulgence.

With great respect, I am, &c.,

RUFUS KING.

It would appear that this request was agreed to, and on the return of Mr. King, the bill having been taken up, the special amendment was rejected, Mr. King in the negative. Whether this amendment was one requiring the debtor States, of which New York was most indebted, to pay up the balances due by them, and from this amount to pay the creditor States what was due them, as had been suggested by Hamilton, (the amounts being very nearly equal), there is no record. In the House, the proposition had been negatived. The debts due to the creditor States were paid, but those due to the United States were never paid.—ED.

J. JAY TO R. KING, NEW YORK.

LONDON, 8 July, 1794.

DEAR SIR :

Nothing here is as yet decided : appearances are favorable ; but you know appearances are often fallacious. It is a little unfortunate, that not a single case of capture under the Novr. Instructions had been laid before the Minister here, nor have I yet recd. any from our agent in the W. Indies. I have reason to apprehend Delay on this head ; personally, I have abundant Reason to be pleased and satisfied. There is no Reason to apprehend that a war with us would be agreeable to the nation, unless they should

perceive *clearly* that it was imputable to us. The war with France is unquestionably popular here. Many in this country begin to look towards ours and various circumstances induce me to believe that emigrations will become more and more frequent.

Remember me to Mr. Alsop & Mrs. King.

Yours sincerely,

JOHN JAY.

R. KING TO J. LANGDON.

NEW YORK, 13 July, 1794.

DEAR SIR :

Mr. Talleyrand de Perigord and Mr. Beaumez, both of whom I believe you had the pleasure to know at Philadelphia, intend visiting Portsmouth.

They may stay a few days with you, and in order that their Time may pass in the most agreeable manner, I request your permission to introduce them to you, and your esteemed connexions.

With great Respect, I am dear Sir,

Your obt. Servt.,

RUFUS KING.

P. VAN GAASBECK TO R. KING.

KINGSTON, July 19, 1794.

MY DEAR SIR :

It is with the most cordial pleasure and satisfaction that I acknowledge the Receipt of your friendly Letter of the 6th inst. The sentiments therein displayed were too important in my opinion to remain dormant or to be buried in oblivion. This was the decided opinion of a number of Friends. Thinking so, I hope you will pardon me with your other Friends for giving it a place in the Kingston Rising Sun.*

I had a Letter from our mutual Friend Sedgwick a few days since. He thinks it of the first importance that Tredwell's Resolution † be published with the necessary comments : (I subscribed

* No copy of this paper can be found.—ED.

† "Mr. Tredwell read a resolution for reducing the salaries paid to the officers of the United States. That of the President was to be reduced, after the present

cheerfully to the Idea) indeed I believe I did suggest the propriety of it when last with you. By mislaying the Philadelphia Paper which contained the Resolution, I think it was in Bache's or Brown's, it is not in my power to bring it properly forward. Previous to the receipt of Mr. Sedgwick's Letter, I had written to a Friend at Philadelphia to send me the Paper containing the Resolution, to which I have not received an answer. if you are in possession of the Paper, why not at once have it published, accompanied with such remarks as you may think proper, and by all means convey one or more Papers to me, when I shall take care that it becomes public. Should you not have the Papers, a copy of the Resolution may be obtained in an indirect manner from the Journal of our House, together with the Movers & Second's names, which was Mr. Bailey. You will recollect that those two with Cortlant opposed the taking up the Resolution & deciding thereon. I am decidedly of opinion that it ought to make its first appearance in one or more of the New York Papers & then dispers'd thro' the Country. I am very clear it will prove beneficial; and while it is of the utmost importance to the salvation of the General Government to have a federal Representation from our State, so it behooves us at least to meet all machinations & Electioneering projects upon their own ground and to frustrate their wicked tendency.

I conceive this of the utmost importance because you must not expect the same representation from our district, nor from Columbia. Clintonians will in my humble opinion prevail—let us therefore be watchful and displace the Westchester & Long Island Representatives—by doing this we shall at least remain upon our old Ground, as seven to three.

I am fearful the breach made here at the last Election will

term of appointment, to twelve thousand dollars, that of a member of Congress to four dollars per day, with various others of the same kind.

"A motion to print it was rejected. It was then moved to proceed with it immediately.

"Mr. Wadsworth considered it a good electioneering project. It would, he doubted not, be very popular; and as there were only fifty or sixty members in the House just now, they had better take it up, and try and get all the credit of it to themselves. It was after some conversation withdrawn by the mover."—*Annals of Congress*, 1793-95, p. 782.

widen ; I however do not yet despair to heal the wound—our Friends, at least those we have esteem'd so, are the sole cause of all. It is rumored among the Clintonians that Addison is to be their Candidate. I am apprehensive, altho' the Bait is too weak for a Man of the least discernment, that it will have an influence and lead ambitious men to snap at it, & thereby overthrow in a great measure our well founded Politics. You shall hear from me farther on this Head whenever its properly ascertained. Not to tire your patience with too lengthy a scrawl, permit me to conclude & believe me sincerely your assured Friend & Obedt. Servt.,

PETER VAN GAASBECK.

C. GORE TO R. KING.

WALTHAM, 5th Aug., 1794.

MY DEAR SIR :

.. . . Mr. Talleyrand and De Beaumez are very much esteemed and have received great attentions in Boston. They dined with me there, when I introduced them to the most respectable and liberal of our society. They passed a day with me at Waltham ; and on their return from the province of Maine, I expect their company for several days in this retirement. . . .

Your affectionate friend,

C. GORE.

P. BUTLER TO R. KING, N. YORK.

PHILADELPHIA, Aug. 11, 1794.

DEAR SIR :

Of whom shall we enquire for Men of Science, but scientific men? On this ground and on long acquaintance I presume in troubling you with the execution of a Commission.

Two gentlemen in Charleston, for whom I have a considerable esteem, have requested of me to Engage for them two Tutors every way qualified for private Education. They are Gentlemen of considerable fortunes, with whom the question of Salary is no Object when compared to the abilities of the persons Engaged..

One stipulation they make, that the Preceptor shall not be under thirty years of age, as there are some female Pupils. The Tutors will reside in the Families, Dine at the same Table and Associate with the same Company as the Parents of the Children. To each Tutor will be paid Annually, exclusive of Board, a salary of Two Hundred pounds Sterling. From such a Salary a Considerable saving may be made. Each Tutor will be furnished with a Horse to ride when he wishes to take Exercise.

To a Man of the World, as Mr. King is, I need scarcely Mention that good temper and a degree of polished manners are requisite for men who are to be inmates in polish'd well bred Families. You will greatly oblige Me, My Dear Sir, if you can Engage for me two Tutors that meet your mind, and have your approbation. If they are not to be had in N. York possibly by writing to New England you might get them.

Excuse the freedom I take. I have written a short letter to Dr. Johnson on this subject ; but permit me to place my reliance on you. The Doctor is Aged, & from Him I can not expect active enquiry.

My Daughters unite in best Compliments to Mrs. King & yourself.

I am, with Sentiments of great regard & Esteem,
Your Friend & Obedt. Servant,

P. BUTLER.

Tho' the lower Country of Carolina is unhealthy in Summer, Charleston, Assuredly, is very healthy—so that there is nothing to apprehend on the Score of Climate or health.

J. JAY TO R. KING.

LONDON, 17th Sept., 1794.

DEAR SIR :

It gives me pleasure to reflect that this letter will probably find you at Philadelphia, for which place the Bearer of it is about to embark in the *Pigou*, and where it will be in your Power to be useful to him. I am persuaded that you will be strongly disposed to shew him marks of friendly attention, when I inform you, that

the Person whom I am now recommending to you is Mons. De Rochefoucauld Liancourt, formerly President of the National Assembly and a Duke and Peer of France. He has experienced vicissitudes, but he appears to me to bear them like a man.

Yours Sincerely,

JOHN JAY.

A. HAMILTON TO R. KING, PHILADELPHIA.

Sept. 17, 1794.

DEAR SIR :

When you recollect that I have two departments on my shoulders, and when I tell you I have been out of health in the bargain, you will perhaps admit an excuse for my not answering sooner your letter some time since received.

Mr. Jay has given nothing conclusive. His letters to the 26th of June barely gave the idea that appearances were not unfavorable. His last letter, I forget the date—but it came by the last arrival at New York—refers to letters which were not received, but which are supposed to have been confided to the Portuguese Minister. This letter is couched in the same cautious terms, considers the scale as capable of turning either way, & advises not to relax in military preparation. The Ministry, however, have certainly continued to countenance shipments to this country & very large ones were making. 'Tis a strange mysterious business. The change in Administration had made some pause in the negotiation.

Nothing from the Western Country authorizes an expectation of a pacific termination of that business.* All the Militia are going forward as fast as they can be got forward. Virginia all below the Mountains is *zealous*, beyond neutral in conduct & divided in affection. Jersey is also zealous ; So are the Eastern Shore of Maryland & the Town of Baltimore. Thence to Frederick Town a pretty good temper prevails ; beyond that a very insurgent spirit and some insurrection. In Philadelphia an ex-

* Refers to the disturbances in W. Pennsylvania, arising from the endeavor to enforce the collection of the excise tax on distilled spirits.

cellent and productive zeal, embracing all parties, has been kindled : a good spirit will generally pervade the old counties ; but there is much bad leaven in the new counties this side of, as well as beyond, the Mountains : Cumberland, Franklin, Mifflin & even Northumberland.

Governor Lee is at the head of the Virginia Militia & will command, if the President does not go out. He is all zeal. Governor Howel with equal zeal was to march from Trenton today with the Van of the Jersey Militia, consisting of 500 horse. Mifflin, who at first showed some untoward symptoms, appears now to be exerting himself in earnest & with effect, & goes out at the head of his Militia.

The President will be governed by circumstances. If the thing puts on an appearance of magnitude, he goes : if not, he stays. There is a pro. & a Con. in the case— If *permitted* I shall at any rate go.

Affecty yrs.

A. HAMILTON.

A. HAMILTON TO R. KING.

Sep. 22d, 1794.

I thank you My Dr. Sir, for your letter of the —, a few days previously, I wrote you pretty fully : I hope my letter got to hand.

. . . The Return from the Western Counties of this state are just come to hand. They show a valuable division, ranging on the side of the laws the most influential men, & a respectable body of others ; but leaving a great number still uncomplying & violent, so as to afford no assurance of submission to the laws without the application of Force. It will give you pleasure to learn that there is every prospect of our being able to apply this effectually, & of the issue being favourable to the authority of the laws. It will occasion a large bill of Costs, but what is that compared with the object ?

Adieu. affectly yrs.

A. HAMILTON.

A. HAMILTON TO R. KING, JONES'S MILL.

Oct. 30, 1794.

DR. SIR :

Our light corps, the Jersey infantry & a brigade of cavalry are about $8\frac{1}{2}$ miles in front, beyond all the Mountains. This division which has been delayed by a somewhat worse route & the incumbrance of the public stores, will be at the same place this evening. The left wing is at a corresponding point. All is essentially well ; no appearance of opposition. It is of great consequence that a law should, if possible, be expedited through Congress for raising 500 infantry and 100 horse to be stationed in the disaffected country. Without this the expence incurred will be essentially fruitless.

A law regulating a process of outlawry is also urgent, for the best objects of punishment will fly & they ought to be compelled by outlawry to abandon their property, homes & the U. States. This business must not be skinned over. The political putrefaction of Pennsylvania is greater than I had any idea of. Without vigour everywhere our tranquillity is likely to be of very short duration, and the next storm will be infinitely worse than the present one.

Yrs. with true affec. & regard,

A. HAMILTON.

Endorsed, "in his absence to be opened by Oliver Ellsworth or George Cabot."

C. GORE TO R. KING.

WALTHAM, 6 Nov. 1794.

MY DEAR SIR :

I congratulate you on our late election. We have knowledge of all the towns except two or three and there are only two towns where Jarvis had a majority. . . . Ames will be elected. The town of Boston never looked more joyous than it has since Monday ; and there never was an election, where our wealthiest merchants and respectable citizens exerted themselves more, or

persevered so long. I enclose you a certificate which did great good in the election and which I think must silence those who affect to say our merchants were dissatisfied with the doings of their representatives. . . . On the whole the state of our politics is good. Many falsehoods told of Ames have been refuted. His character is deservedly high; and good men seem willing to exert themselves to support government and maintain order.

Affectionately yours,

C. GORE.

CHAPTER XXXII.

President's Action on the Pennsylvania Insurrection approved in the Senate—
Answer to his Speech—Burr a Candidate for Governor in New York—
Genet's Marriage—Negotiation of a Treaty by Mr. Jay.

The second session of the 3d Congress began on the 3d November, 1794, but the Senate being without a quorum until the 18th, the President's speech was not read until the 19th. He gave an account of the insurrection in the western counties of Pennsylvania to resist the law of 1790, "to lay and collect the excises," upon the distillation of whiskey and spirituous liquors. The officers employed to enforce the law had been resisted, even to placing the marshal's life in jeopardy and causing him and the inspector to flee to the seat of Government. The processes of the Courts could not be enforced, and on August 7th he had issued a Proclamation, appointing Commissioners to proceed to the scene of insurrection, to warn those who were resisting the laws, and offering pardon to them on condition of return to obedience. This effort failing to accomplish the purpose, he had called out the militia, to the number of 15,000 men, from Pennsylvania and the adjoining States, hoping thus to quell the insurrection and prevent the effusion of blood. He himself had visited the place of the general rendezvous, but finding that "it being now confessed by those, who were not inclined to exaggerate the ill-conduct of the insurgents, that the malevolence was not pointed merely to a particular law, but that a spirit, inimical to all order, has actuated many of the offenders," and being then satisfied that every

appearance indicated that there would be "such an issue as would redound to the reputation and strength of the U. States," he had left the command-in-chief with the Governor of Virginia. He had spoken in the early part of this message of the "delusions which were no longer confined to the efforts of designing individuals," of the fact that "forbearance to press prosecutions was misinterpreted as fear of urging the execution of the laws," & that, "from the belief that, by a more formal concert, their operation might be defeated, certain societies assumed the tone of condemnation." He therefore calls upon all "citizens to determine whether it [the insurrection] has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole Government."

The remaining portion of the speech related to the success of the army under General Wayne, against the Indians north of the Ohio, to his hope of the establishment of a definite plan for the redemption of the Public Debt, and to his efforts to cultivate peace with all the world.

The address was committed to Messrs. King, Ellsworth, and Izard in the Senate to draft a response. Mr. King made the report, which was adopted the next day, after an ineffectual attempt on the "motion of Mr. Burr, seconded by Jackson, to expunge the second paragraph relative to the "proceedings of certain self-created societies, etc." It is altogether probable that this answer was drafted by Mr. King, and thus we learn his views. The address is as follows :

"SIR :

"We receive with pleasure your Speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilant and paternal concern for the prosperity, honor and happiness of our country, which has uniformly distinguished your past administration.

"Our anxiety, arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government ; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and which, by inspiring delusive hopes of support, have been influential in misleading our fellow citizens in the scene of insurrection.

"In a situation so delicate and important, the lenient and persuasive measures which you adopted merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism and animating zeal with which the citizens of New Jersey, Pennsylvania, Maryland and Virginia have rallied around the standard of Government, in opposition to anarchy and insurrection.

"Our warm and cordial acknowledgments are due to you, Sir, for the wisdom and decision with which you arrayed the militia, to execute the public will ; and to them, for the disinterestedness and alacrity with which they obeyed your summons.

"The example is precious to the theory of our Government, and confers the brightest honor upon the patriots who have given it.

"We shall readily concur in such farther provisions for the security of internal peace and a due obedience to the laws, as the occasion manifestly requires.

"The effectual organization of the militia, and a prudent attention to the fortifications of our ports and harbors, are subjects of great national importance, and, together with the other measures you have been pleased to recommend, will receive our deliberate consideration.

"The success of the troops under the command of General Wayne cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant General and Army, is enhanced by the hope that their victories will lay the foundation of a just and durable peace with the Indian tribes.

"At a period so momentous in the affairs of nations, the temperate, just and firm policy that you have pursued, in respect to

foreign Powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks."

The Senate on the 27th November concurred in an act which had already been passed by the House of Representatives to authorize the President to call out and station for a time a corps of militia in the western counties of Pennsylvania—a measure suggested by the President in his message. Mr. King was a member of the committee appointed to report on the House bill to make "appropriations for the support of the military Establishment . . . and for the expenses of the militia lately called into the service of the U. States," which was on their report passed; and he was also chairman of a conference committee to consider a disagreement between the two houses in reference to a bill to regulate the pay of the non-commissioned officers, musicians, and privates of the militia of the United States, when called into actual service. The result of the conference was adopted by the Senate.

H. LEROY TO R. KING.

NEW YORK, 9 Novembr., 1794.

DEAR SIR :

. . . Mr. Smith's re-election gives general satisfaction to the Supporters of good government, and to his friends in particular for the great majority with whh. he has got on. Mr. Butler's visit to Georgia and Mr. Taylor's resignation will not occasion much grief; and as for the Mountain Mr. Monroe appears seated upon, I sincerely hope it may prove to be formed of snow, and for the good of Mankind dissolve with the approaching Summer. Col. Burr, its reported here I understand, declares himself a candidate for Governor at our ensuing Election, whh., if true, will I imagine prevent his attending the Senate very constantly.

. . . Citizen Genet has at last become Governor Clinton's

Son in law, he married Miss Cornelia last Thursday. They were married in the Government House privately in the morning, in the presence of her sister and Dr. Treat only ; they then went to pay their respects to Papa and Mama, & from thence the same day proceeded to the Citizen's Sandhill upon Long Island. . . .

HERMAN LEROY.

J. O. HOFFMAN TO R. KING, PHIL.

N. YORK, 11 NOV., 1794.

DEAR SIR :

. . . Mr. Rensselaer has written to me, that Burr is the avowed Candidate for the Government. His friends make no secret in declaring that Gaasbeck is one of his *engaged Partisans*. Perhaps an opportunity may occur to turn this information to some good. If so pray avail yourself of it. If anything explicit take place with him by way of explanation, it might prove of some moment to have it communicated to me.

With real esteem, &c.,

JOS. OGDEN HOFFMAN.

H. LEROY TO R. KING, PHIL.

Speaking of having a letter from Cazenovia House, which says our funds are dull, Mr. LeRoy, in a letter dated New York, 12 November, 1794, quotes :

"This variation from our last advices is not very surprising, as the Dutch not fearing so much at present an invasion from the Enemy are not so eager to purchase as they were before : to which must be added another circumstance little expected by the people of this Country and wh. is the strange reception your Minister * to the French Republic has met with in Paris & the little *unexpected* Speech he delivered in the Convention upon which we forbear commenting as the dispatches from Mr. Jay here, whh.

* Mr. Monroe.

we believe to go America by this Conveyance, will we hope afford more true satisfaction to the wellwishers of both Countries from the conciliatory measures whh. they may Contain."

H. LEROY TO R. KING, PHIL.

NEW YORK, November 17, 1794.

DEAR SIR :

. . . I am very thankful to you for your few but interesting lines of the 13th, thereby to perceive the forwardness Mr. Jay's negotiations are in and the compleat success he is likely to meet with. This news is truly agreeable, and if the posts are once given up, we may then look upon a Continuation of peace with England as reduced to a certainty,—whh. God grant. . . .

H. LEROY.

J. JAY TO R. KING, PHIL.

LONDON, 19th Nov., 1794.

DEAR SIR :

I sent by the Packet the fruit of my Negotiations—a Treaty—I wish I could go with it, as well that I might again be in my own country, as, that I might answer Questions on these subjects. The Draft has undergone several Editions, with successive alterations, additions, &c. This shews that Time and Trouble have not been spared. I have just finished a hasty letter to Mr. Randolph—It will be thought slovenly, but I cannot help it: the Packet must go.

If I entirely escape censure, I shall be agreeably disappointed. Should the Treaty prove, as I believe it will, beneficial to our country, Justice will finally be done; if not, be it so; my mind is at ease. I wish I could say as much for my body, but the Rheumatism will not permit me. Health and Happiness to you my good friend.

Yours sincerely,

JOHN JAY.

J. O. HOFFMAN TO R. KING, PHIL.

Dec. 26, 1794, N. YORK.

DEAR SIR :

I am induced to write to you from an account I have lately had from the Country. Mr. Whitbeck is writing circular letters, to all Mr. Burr's friends or rather to the opponents of Mr. Clinton—stating by way of an extract of a letter from Philadelphia, the appointment of Mr. Pinkney to the Court of Spain, and hence inferring a certainty of Mr. Jay's continuation in London & warmly recommending Mr. Burr—From the whole complexion of this business, I have no doubt that it has been a plan arranged at Philadelphia ; & as it is plausible, it may meet with some success.

As we propose leaving this city during the next week, for the Legislature, some explanation may become necessary, particularly as to the propriety of the inference drawn by Whitbeck. A statement of facts as to Mr. Pinkney may become useful. In short, my good Sir, our Northern friends are yet unsteady on this important object. I sincerely wish they could be under the influence of a Letter from Col. Hamilton. . . . Have you had any conversation with Gaasbeck ? Whitbeck speaks of him, as an avowed supporter of Burr. His declaring the contrary would have a good and an extensive effect.

With esteem, &c., &c.,

JOS. OGDEN. HOFFMAN.

J. O. HOFFMAN TO R. KING.

N. Y. Dec. 29, 1794.

The inclosed was received by me this morning. The rest of our friends here have received similar letters. They occasion some embarrassment as to our proper line of conduct. . . .

JOS. OGDEN HOFFMAN.

D. HALE TO J. O. HOFFMAN.

ALBANY, Dec. 23, 1794.

DEAR SIR :

Since my last we have had several meetings—and finally came to a general good understanding. General Schuyler has come out as warm and decisive in favour of Mr. Jay as we could wish and appears to have been uniformly of the same sentiment ; the Patroon also fully acquiesces and goes with us. Any remarks that I may have made on the subject had better be suppressed, and I must defer an explanation until we meet ; but rest assured that Witbeck has been dangerously mischievous. You will by this stage receive a letter addressed to Comfort Sands, yourself & others on the subject of giving Mr. Jay a nomination from your city. Pray let it be done without delay and in as short and concise a manner as possible. Mr. Van Rensselaer has freely consented to stand as Candidate for Lt. Governor ; you can therefore insert his name in your nomination, and immediately on its coming to our hands we will take it up and circulate it with one from this City throughout our District. The nomination ought to be decisive as to any doubt of Mr. Jay's arrival—a doubt generally tends to confusion—immediate attention should be paid to our friends in Ulster, in Dutchess in particular, as Mr. Burr's Creatures are indefatigable thro' the whole State.

With respect & esteem,

DANIEL HALE.

The correspondence which has been presented, and which is all that can be recovered, suggests several subjects of public interest, upon which Mr. King had evidently expressed decided opinions. These can be ascertained only through the tenor of the correspondence with his friends and by his votes, recorded in the *Journal of the Senate*. These, however, show that he was always at his post, and supported the general policy of the administration, in its financial measures, in preventing the adoption of resolutions whose tendency would have been to embarrass the Government in

dealing with the outrages inflicted upon the commerce of the country by Great Britain, and, as we see by his notes, in his earnest advocacy of the special embassy to England, while he counselled that active preparations for the defence of the country should be steadily made.

The Journal shows that on March 13th he was made chairman of a committee to take measures to provide for the defence of certain harbors, etc., etc., on the 14th of one to make appropriations for the support of the military establishment of the United States, while on the 19th he was one of a committee to provide for erecting and repairing arsenals, magazines, etc., and his name appears also in many other committees relating to commercial and financial regulations of the country; thus showing his active participation in the business of this Congress.

It is much to be regretted that so little can be gathered of his interference in the interesting political events in his own State towards the close of the year, anticipatory of the Governor's election, in which it is known that Mr. King felt a deep concern.



APPENDIX I.

RUFUS KING'S NOTES OF THE CONSTITUTIONAL CONVENTION OF 1787.

Among the manuscripts in the handwriting of Rufus King is one containing an abstract of a portion of the debates in the Convention for the formation of the Constitution, which appears to have been made as the debate proceeded. The copy was written out, nearly verbatim, by him, somewhere about 1818-21 * (for the paper bears the watermark of 1818), from rough notes taken at the time. It will be observed that he does not reproduce his own remarks, except in speeches on the powers of the Convention. There is no new information as to the proceedings, or the opinions of members of the Convention, but the reports previously published in the Madison and Yates papers are corroborated in these.

Thursday, May 31.

House of Representatives to be elected by the People.

Gerry opposes. Appointment by the State Legislature preferable, because the People want information.

Mason, Virginia—in favor of popular choice, because the first Branch is to represent the People. We must not go too far. A portion of Democracy should be preserved; our own children in a short time will be among the general mass.

* Probably at the time of the publication of the Madison report. Both this copy and the original notes are in the possession of the Editor.

Wilson of Penn. agrees with *Mason*. We ought to adopt measures to secure the popular confidence, and to destroy the Rivalry between the Genl. and State Governments ; in this way both will proceed immediately from the People.

Madison agrees with *Wilson*. The measure immediately introduces the People, and will naturally inspire the affection for the Genl. Govt. that exists toward our own offspring. A legislative appointment will remove the Govt. too far from the People. In Maryland the Senate is two Removes from the People, and a Deputy appointed by them would be three Removes off ; and if the first Branch appoint the second, the Deputy wd. be four Removes—and if the Legislature of the U. S. appoint the President or Executive, the Executive wd. be five Removes from the People. If the Election be made by the People in large Districts, there will be no danger of Demagogues.

Measure carried. That first Br. be elected by People of the several States. Mass. N. Y. Penn. Virginia. N. Car. & Georgia—aye. Con. & Del. divided N. Jersey & S. Carolina,—No.

Friday June 1. Com. of the whole.

Executive power to be in one person.

Motion by *Wilson Penn.* Seconded by *Chs. Pinckney So. Car.* Rutledge in favor of the motion.

Sherman preferred leaving the number to the Legislature.

Wilson. An Executive should possess the Power of secresy, vigour & Dispatch, and so constituted as to be responsible. Executive powers are intended for the execution of the Laws, and the appointment of officers not otherwise appointed : a single Executive may be responsible, but a numerous one cannot be responsible.

Madison agreed with *Wilson* in the Definition of Executive power. *Ex vi termini.* Executive power does not include the Power of War and Peace. Executive Power shd. be limited and defined. If large, we shall have the Evils of Elective Monarchies. Perhaps the best plan will be a single Executive of long duration, with a Council and with Liberty to dissent on his personal Responsibility.

Gerry. I am in favor of a Council to advise the Executive : they will be organs of information respecting Persons qualified for the various offices. Their opinions may be recorded, so as to

be liable to be called to account & impeached—in this way, their Responsibility will be certain, and for misconduct their Punishment sure.

Dickinson. A limited yet vigorous Executive is not republican, but peculiar to monarchy—the royal Executive has vigour, not only by power, but by popular Attachment & Report—an Equivalent to popular attachment may be derived from the Veto on the Legislative acts. We cannot have a limited monarchy—our condition does not permit it. Republics are in the beginning and for a time industrious, but they finally destroy themselves because they are badly constituted. I dread the consolidation of the States, & hope for a good national Govt. from the present Division of the States with a feeble Executive.

We are to have a Legislature of two branches, or two Legislatures, as the sovereign of the nation—this will work a change unless you provide that the judiciary shall aid and correct the Executive. The first Branch of the Legislature, the H. of Representatives, must be on another plan. The second Branch or Senate may be on the present scheme of representing *the States*—the Representatives to be apportioned according to the Quotas of the States paid into the general Treasury. The Executive to be removed from office by the national Legislature, on the Petition of seven States.

Randolph—by a single Executive, there will be danger of Monarchy or Tyranny. If the Executive consist of three persons, they may act without danger. If of one, he will be dependent on the Legislatures & cannot be impeached till the Expiration of his Office. A single Executive against the Genius of America.

Wilson—There are two important points to be considered, the extent of the Country & the Manners of the People of the U. S. —the former requires the Vigour of Monarchy, the latter, are against a Kingly Executive, our manners are purely republican.

Montesquieu is favorable to confederated Republics—I also am in favor of this Scheme, if we can take for its Basis, Liberty, and are able to ensure a vigorous execution of the Laws. A single executive is not so likely so soon to introduce Monarchy or Despotism, as a complex one. The people of America did not oppose the King, but the Parliament—Our opposition was not against a Unity, but a corrupt Multitude.

Williamson—There is no true difference between an Executive composed of a single person, with a Council, and an Executive composed of three or more persons.

The Question postponed.

After debating the Powers, the Committee proceeded to discuss the Duration of the Executive Power.

Wilson proposed three years, without rotation or exclusion.

Madison proposed good behaviour, or Seven years with exclusion for ever afterward.

Mason—In favor of Seven years, and future ineligibility—by this Provision the executive is made independent of the Legislature, who may be his Electors—if re-elected, he will be complaisant to the Legislature to obtain their favor & his own Re-election.

On the Question for Seven years—Mass. Gerry & Strong, no. Gorham & King aye—divided.* Cont. N. C., S. C. & G. no. N. Y. N. J. Penn. Del. Virginia aye. 5 ayes, 4 nos—1. divided. So the blank filled.

June 4.

Unity of Executive-power resumed.

On Question of single executive carried thus.

Mass. Cont. N. Y. Penn. Virg. N. C., S. Car. Georg.—Ay.

N. J. Del. Mard.—No.

Motion by *Gerry seconded by Mr. King*, to postpone the article for a Council of Revision, and to vest a qualified Negative in the Executive.

Affirmative all the States except Cont. & Mard.

Wilson second Hamilton—proposed a complete Negative in the Executive. The natural operation of the Legislature will be to swallow up the Executive power : divided power becomes the object of contest ; if the powers are equal, each will preserve its own—otherwise the strongest will acquire the whole.

Butler opposed—because it will become a King.

Franklin opposed—Our former Govt. in Penn. abused this power of a full Negative and extorted money from the Legisla-

* The vote in Journal is 8 yeas—Mass. Con. N. Y. Del. Virg. N. Car. S. Car. Geor. Nays Penna. & Mar.

ture, before he would sign their acts—in one instance he refused his Signature to a Bill to march the Militia agt. the Indians, till the Bill exempted from Taxes the Estate of the Proprietors on account of the expense of the Militia.

One man cannot be believed to possess more wisdom than both Branches of the Legislature—the Royal Negative has not been exercised since the Revolution ; he easily does by corruption what could be done with some risk by his negative.

Madison—opposed—No man would dare negative a bill unanimously passed. It is even doubtful whether the King of England wd have Firmness enough to do so.

Mason—opposed—We have voted that the executive power be vested in one person—it is now proposed to give this person a negative in all cases—you have agreed that he shall appoint all officers, not otherwise to be appointed, and those he has not the sole power to appoint, you propose to grant to him the power to negative—with these powers the Executive may soon corrupt the Legislature—the Executive will become a monarchy. We must regard the Genius of our people, which is Republican, & will not receive a King.

Franklin—The Prince of Orange at first had limited Powers, and his office was for Life—his son raised a faction & caused himself to be declared hereditary—we may meet the same fate.

Unanimous negative, except Wilson, Hamilton, King.

Madison—The judiciary ought to be introduced in the business of Legislation—they will protect their department, and united with the Executive make its negatives more strong. There is weight in the objections to this measure—but a check on the Legislature is necessary, Experience proves it to be so, and teaches us that what has been thought a calumny on a republican Govt. is nevertheless true—In all Countries are diversity of Interests, the Rich & the Poor, the Dr. & Cr., the followers of different Demagogues, the Diversity of religious Sects—the Effects of these Divisions in ancient Govts. are well known, and the like causes will now produce like effects. We must therefore introduce in our system Provisions against the measures of an interested majority—a check is not only necessary to protect the Executive power but the minority in the Legislature. The independence of the Executive, having the Eyes of all upon him will make him an

impartial judge—add the Judiciary, and you greatly increase his respectability.

Wilson—Wilson moved and Madison seconds, that the judiciary be added to the Executive in revising the Laws.

Dickinson opposed—you shd. separate the Departments—you have given the Executive a share in Legislation ; and it is asked why not give a share to the judicial power. Because the Judges are to interpret the Laws, and therefore shd. have no share in making them—not so with the executive whose causing the Laws to be executed is a ministerial office only. Besides we have experience in the Br. Constitution which confers the Power of a negative on the Executive.

 the motion was withdrawn.

JUDICIARY POWER.

Wilson proposes that the judiciary be appointed by the National Executive, because he will be responsible.

Rutledge opposes, because the States generally appoint by their Legislatures.

Franklin—The 15 Lords of Sessions in Scotland are appointed by the Barristers or Doctors—these elect the most learned of their own order, because he has the most business, wh. afterwards is divided among themselves.

Madison—in favor of further deliberation. Perhaps the appointment shd. be by the Senate—

Postponed—N. H., Mass, NY, Penn & Md. by the Executive power R. Island by the People—Con. N.J. Del. Virg. N. Car. & So. Car. elect Judges by Legislatre.

Rutledge proposes to have a supreme Natl. Tribunal but no subordinate ones, except those established by the States respectively.

Wilson of a different opinion.

Dickinson—The State & Genl. Tribunals will interfere—we must have a National Tribunal—entire and proceeding from the Genl Govt.

Madison—proposed to vest the Genl. Govt. with power to establish an independent Judiciary, to be co-extensive with the nation. Ayes, 5, No, 4, divided 2.

REPRESENTATIVES.

Chs. Pinckney—proposes that the Representatives shd. be chosen by the Legislatures & not by the People—as the old members of Congress are chosen.

Gerry—proposes that the People shd. elect double the requisite number, and out of them the Legislature to choose the authorized number of each State. The People may be imposed upon by corrupt and unworthy men.

Wilson—Representatives shd. be elected by the People, thereby we shall come nearer to the will or sense of the majority—If you give the Election to the State Legislatures, you give it to the Rivals of the General Govt.—the People having parted with sufficient Powers, it remains only to divide these Powers between the Genl. & State Govts.

The People will love & respect the Genl. Govt., if it is founded on their consent & derived from them—it will acquire rank above the State Govts.

Mason—at Present the Reps. in Congress do not represent the People but the States—It is now proposed to form a Gov. for men, not for States—therefore draw the Reps. from the People—the Representation to be faithful shd. shew the Defects of the People; if not, how are they to be corrected? A Representation proceeding from the Legislatures will not afford this correction.

Suppose a majority of the Legislature to be in favor of Paper money, or some other bad measure, would they not elect Members to Congress, holding the same opinions?

Sherman—If the State Govts. remain, they shd. appoint Representatives to Congress—if they are to be swept away, then the People must elect,—the State Govts. must continue—few objects in this case will be before the Genl. Govt.—for war, treaties & commerce—Let the Genl. Govt. be a collateral Govt. to secure the States in particular Exigencies—for war, or war between the States.

I am opposed to a Genl. Govt. & in favor of the independence & Confederation of the States—give the Genl. Govt. powers to regulate Commerce, drawing therefrom a Revenue.

Dickinson—We cannot form a Genl. Gov. unless we draw a

Branch from the People, and a Br. from the Legislatures of the States—in theory this is requisite, and to the success of the scheme, it is also essential—the objection to popular Elections arise from the nature of free Govts. and are slight in comparison with the Excellence of such Govts.—the other Branch or Senate must come from the State Legislatures—they will thereby be more respectable, and for Respectability & Duration resemble the Br. H. of Lords. They can come from Legislatures who are & have been opposed to the general Govt.—they shd. be appointed for 3, 5 or 7 years, not subject to a recall and dependent on the Genl. Gov. for support.

Read—We must come to a consolidation—State Govts. must be swept away—we had better speak out—that the People will disapprove is perhaps a mistake—the State Magistrates may disapprove but the People are with us.

Genl. Pinckney—An election in South Carolina by the people is impracticable—the settlements are so sparse, that four or five thousand cannot be assembled to give their votes. I am in favor of an Election by the Legislatures—in So. Carolina the Legislature is against the issue of Paper Money with a tender, but in my Opinion a majority of the People are in favor thereof.

Wilson—I would preserve the State Govts.—there is no danger of their being swallowed up by the Genl. Govt.—the States have overpowered the Confederated Governments—The Amphictionic Council & the Achæan League were destroyed by the encroachments of the Members.

Madison—The Election may be safely made by the People, if you enlarge the sphere of Election—Experience shows this—if bad Elections be made by the People, it will be found to happen in small Districts.

Butler—Until the Ratio be fixed, I am opposed to settling the mode of Election; if this be established on a principle favorable to Wealth as well as numbers of free Inhabitants, I am content to unite with Delaware (Mr. Read) in abolishing the State Legislatures and becoming one nation instead of a Confederacy of Republics.

On question to choose *Reps.* by States Legislatures—

Con., N. Jersey & S. Car. aye. The Eight other States—no.

Motion by Wilson seconded by Madison.

To reconsider the partial Negative by the Pr. to vest this power in him jointly with the Judiciary—

Madison—A check requisite, to prevent legislative encroachment in the Judiciary, the Executive, or on private Rights.

By the judiciary Union, the check is increased in power and respectability—the Ex. alone is too weak—the King of Eng. wd. hesitate to negative a Bill unanimously passed by Parliament.

Gerry—The motion aims to unite Departments wh. ought to be separate—the union destroys Responsibility.

Chs. Pinckney—opposed as it destroys Responsibility.

Mason—The Purse & the sword must not be in the same Hands—if so, and the Legislature are able to raise revenue and make and direct war, I shall agree to a Restriction in the Executive, or in a Council of Revision.

Dickinson—hurry, vigour and Despatch are not properties of a Republic—we cannot have these in a Council—but Responsibility of such immense value, we can have by a single Executive—unite the judiciary and you lose Responsibility—the measure is furthermore bad by uniting Departments which should be separate and independent. It will require as great talents & firmness to discharge the other executive Duties, as to interpose a veto on the Laws, wh. shall require two thirds of both branches of the Legislature to remove.

We have not introduced a plurality in the Executive in the former instance and why should we do so in this case? For Reconsideration Con. N. Y. Virginia, ay. 8 others no.

SENATE.

The proposition that the Senate be chosen by the H. of Reps. out of Persons nominated by the State Legislatures being negatived.

Dickinson moved that the Senators be appointed by the State Legislatures—because the mind & body of the several States shd. be represented in the national Legislature; and because these Legislatures would choose men of distinguished Talents as Senators—such men would have a chance to be chosen by the People as national Representatives — failing in such choice,

Wealth, family, or Talents may recommend them to be appointed Senators—let the Number of Senators be more than 200—by enlarging their number, their influence and weight will be increased by combining the Families and Wealth of the aristocracy and thereby you will establish a Balance against, and a check of the Democracy.

Wilson—if this amendment succeed, we shall not have a National Government—the Senate will be too numerous, representing neither Property, nor numbers, but States or Societies, whose interests may oppose the General Govt.; the consequence will be unfavorable to the Harmony of the Nation.

Madison—We propose to form a National Government, and therefore must abandon Ideas founded in the Plan of a Confederation.

The Senate shd. come from, and represent, the wealth of the Nation, and this being the Principle, the proposed amendment cannot be adopted—besides the numbers will be too large—History proves this proposition, that delegated power has most weight and consequence in the hands of a few. The Roman tribunes when few, checked the Senate—when numerous, they divided, became weak and ceased to be the Guardians of the People, which was the object of their institution.

Dickinson—The objection is, that you attempt to unite distinct Interests: I do not consider this Union to be an objection that we should regard—Safety may flow from these various Interests—this diversity exists in the Constitution of England—we cannot abolish the States, and consolidate the whole into one Government—if we could consolidate, I should oppose our doing so. Let our Government be like that of the solar system—let the Genl. Govt. be the Sun and States the Planets, repelled yet attracted, and the whole moving harmoniously in their several orbits.

The objection from Virginia (Madison) that Power delegated to a few will prove a more weighty and efficient check upon the Democracy, as in the instance of the roman Tribunes, proves too much; they never exceeded Ten; and no one thinks that the Senate should consist of so small a number, as that of the Tribunes at any Time, much less when their number was only three.

Wilson—I am not in favor of the abolition of the States. I revere the theory of the British Government, but we cannot adopt it. We have no Laws in favor of Primogeniture—no Distinction of Families—the partition of States destroys the influence of the few. Yet I well know that all confederations have been destroyed by the growth and ambition of some of their Members, and if the State Legislatures appoint the Senators, the Principle will be received by which the antient Confederacies were ruined. I therefore propose that the Senators be elected by the People, and for this purpose, that the territory be formed into convenient divisions or Districts.

Dickinson—Opposes Mr. Wilson's substitute, because it is either impracticable, or unfair—the Districts must be parts of a State, or entire States, or parts of distinct States—if the first, how can you prevent fraudulent & corrupt elections ; if the second, How can you establish an intermediate body, from which to elect those who have a majority of voters, and who are not elected ; if the third, the small States will never have a Senator, therefore it would be unfair.

On Question to agree to Wilson's substitute, Penn. aye, the other 10 States, no.

Mason—It is true that the old Confederacies were ruined by gt. overgrown power and the ambition of some of their Members—but their circumstances differed from ours—*We have agreed that the natl. Govt. shall have a negative on the acts of the State Legislatures.*—the danger now is that the national Legislature will swallow up the Legislatures of the States. The Protection from this Occurrence will be the securing to the State Legislatures, the choice of the Senators of the U. S. *So adopted unanimously.*

June 8.

Charles Pinckney moved, seconded by Madison, to reconsider the vote, giving to the National Legislature power in certain cases to negative the State Laws, in order to vest in the Nat. Legislature power in all cases to negative State Laws. agreed to reconsider.

Chas. Pinckney—the violation of Treaties and ordinances, passed by Congress, by Laws enacted by the States, are known

by all. The Harmony of the Union calls for this Measure of a general Negative, and the National independence requires the same.

Williamson—the State Legislatures ought to possess independent Powers in purely local cases, relating to their separate internal Policy.

Madison—A Reconsideration of the amendment seems necessary. I am of opinion that the general Govt. will not be able to compel the large and important States to rescind a popular Law, passed by their respective Legislatures. *If this power does not vest in the national Legislature*, a check will be wanting against the centrifugal force, operating constantly to force the several States off from the common centre, or national union.

Gerry—This Power may enable the Genl. Govt. to depress one State for the advantage of another State. It may prevent the encouragement that some States may be inclined to give to manufacturers, or prevent the States from training the militia, and thereby establish a military force, and so a Despotism.

Wilson—In the establishmt. of society, every man yields to it a power over his Life, his Liberty, his Character & his Property. There is no such reservation, that the individuals shall be subjected to one, and exempt from another, Law. We have seen the Legislatures in our own Country deprive the Citizen of Life, of Liberty & of Property. We have seen Laws of Attainder, Punishment and Confiscation. If we mean to found a national Govt., States must submit like individuals—the Govt. must be supreme—either the national, or State Govt. *must be* so. We should remember the language with which we began the Revolution—We then united in saying Virginia is no more, Massachusetts is no more, we are one in name, let us be one in truth and fact. Unless this Power is vested in the general Govt., the States will be employed by foreign Powers, against the Union. New States will soon be formed, the Inhabitants may be foreigners, and possess foreign affections—and unless the Genl. Govt. can check the State Laws, the nation may be involved in tumult and confusion.

Dickinson—There can be no line of separation, dividing the Legislative power between the Genl. and State Governments. The consequence is inevitable that there must be a supreme & august national Legislature—the objection that the States may be pre-

vented from training their Militia, is obviated by the Plan of choosing the Senate by the State Legislatures and the H. of Reps. by the People.

Bedford—opposed to the power to negative State Laws. Now Delaware makes $\frac{1}{8}$ of the whole—on the system of equal Representation, Delaware will be only $\frac{1}{10}$ th, Virginia & Pennsylvania will constitute $\frac{3}{8}$ th. In case of Rivalry in respect to commerce, or manufactures, what will be the chance of Delaware, opposed by those States? Bounties may be given in Virginia & Pennsylvania, and by their influence denied in Delaware—the State Laws may be allowed in the former, and negatived in the latter case.

On the Question to vest a power of Negative in the Natl. Legislature on all State Laws, it was negatived.

Mass., Penn. & Virginia being ay. Delaware divided, & Con., N. Y., N. J., Mar., S. Car. N. Car. & Georgia, no. 7 no, 3 ay, 1 divided.

June 9.

THE MANNER OF COMPOSING THE H. OF REPRESENTATIVES.
THE RATIO OF THE CENSUS.

Brearily—opposes the *Equality of Representatives* *—numerically it is equal, but in operation it will be unequal—there will be two divisions, or parties—one composed of Mass. Penn. & Virginia; and the other of the 10 other States. If Georgia sends one Rep., Virginia will send 16—these will be united, but the Reps. of the smaller States will act without a common impulse and be divided; the Rule of the Confed. is unequal, the large & small States have the same Power—correct this, take the Map, and divide the whole into 13 equal Parts, this done, equality of Representation will be just.

Paterson—Our Powers do not extend to the abolition of State Governments in order to establish a national Govt.—we may amend the present system, keeping for our Basis the Confederation, which establishes the equality of votes among the States—I consent to the equal Division of the Territory of the U. S. when this *Equality* will be the Parent, or origin, of an equality in the Representation.

* *Id est*—according to the Ratio of the Census.

But perhaps the Inequality of the present system is not so obvious—the States *being equal*, have equal votes—so in the respective States individuals have equal votes, tho' they possess unequal Property.

Men with 4000 pounds, and those with 100 pounds have equal votes, tho' one possesses 40 times the Property of the other.

Mr. Galloway early in Congress from Penn., proposed that America should be represented in Parliament, America to have 200 & G. Br. 500 members—but it was quickly foreseen that in this way there would be no security of the Liberties of America. In like manner an inequality in Representation from the several States will not succeed—should the Convention approve thereof, they cannot bind the States. I cannot agree to the Project here, and will employ my influence against it in N. Jersey, which never will approve of the Plan.

Wilson—The true Doctrine of Representation is, that the Representative ought to speak the language of his Constituents, and that his voice should have the same influence, as if given by his Constituents—Apply this Theory, and the conclusion is in favor of a Ratio of Representation and against the present system.

QUERE IF PATERSON'S PROJECT.

The Powers of the Convention only authorize the enlargement of the Provisions of the Confederation, viz.

1. To grant Powers to Congress to collect an impost on the importation of foreign Goods, to pass stamp acts & to regulate the post off., to regulate Commerce for. & domestic, provided the fines & forfeitures be recovered in the course of the common Law.

2. Apportionments on the States to be according to the number of Whites & $\frac{3}{5}$ of all others—and in case of arrears by the State, to pass Laws remedied of the Evil.

3. Congress to appoint Persons as an Executive to hold their Offices — years, with fixed salaries & to be ineligible afterwards—removable by Congress on application of a majority of the State Executives, but no member of this Executive to command in any military Expedition.

4. The national Executive to appoint the supreme Judicial magistrates for good behaviour—with Power to try impeachments of officers of Gen'l. Govt., and questions of appeal from State judiciaries, in the construction of treaties, where the Laws of trade & Revenue are affected, or in cases in wh. foreigners are Parties.

5. The Laws & treaties of U. S. to be paramount over State Laws in case of opposition to treaties or general Laws, the Executive to call out the militia to cause the treaties and Laws to be observed.

6. Naturalization to be the same in every State.

7. A citizen guilty of offence in one State, and belonging to another State to be punished as tho' belonging to the State where the offence was committed.

18 June (? 19.)

Madison—It is an Error to say that because unanimity was requisite to form the Confederation, that unanimity is also required to dissolve it.—A contract may be dissolved by the breach of a single article—such is the Law of Treaties and the same Law is applicable to analagous Compacts—provisions are sometimes made to preserve the Treaty or Compact, notwithstanding the breach of a single article.

Georgia without authority and against the articles of the Confederation, declared & prosecuted war agt. the Indians, and afterwards treated for Peace with them. New Jersey expressly refused to comply with a constitutional Requisition—Virginia and Maryland formed a Compact respecting the River Potomac. Pennsylvania & N. York made an agreement about their boundary Line. Massachusetts has raised an army and is now about to augment their military Establishment.

Do not these violations of the Confederation prove *that a federal* Govt. will not answer. the Amphictions had power to decide controversies between the members of the League, to fine offenders, to send ambassadors, to choose the Commander in Chief, to command the general forces and to employ them agt. the States who did not obey the General Regulations. 'The Athenean League

was similar to that of the Amphictions—this League failed by the overgrown power of some of the members. Helvetic Confederation, loose & weak, and the situation of the Swiss differs from our own. The German Confederacy, unequal among themselves—the strength of some members being greater than that of the Confederacy—The Netherland Union, subject to great Defects—could act only by unanimity which is not attainable in difficult cases, and may be defeated by for. influence in the most important.

Our System must be such as to escape these Defects.

Wilson. I do not apprehend that the General Govt. will swallow up that of the States—the States and their separate Governments must be preserved—they will harmonize with the Genl. Govt. The U. S. are too extensive for one & a free Govt. No Despot has governed a Country so extensive. Persia is divided into 20 subordinate Govts. and the Roman Empire & Republic was divided between the Proconsuls. Alfred divided England into societies of 10. persons, 100 persons & into Towns and Counties.*

* Objections to a general or national Govt.

See p. 212, Madison Papers. Elliot's *Debates*, vol. v.

The Convention does not possess authority to propose any reform which is not purely general.

2. If they possessed such power it wd. be inexpedient to exercise it, because the small States wd. lose their State influence or equality, and because the Genius of the people is of that sort that such a Reform wd. be rejected.

Answer (R. King) The States under the confed. are not sovereign States they can do no act but such as are of a subordinate nature or such as terminate in themselves—and even these are restrained—coinage, P. office &c they are wholly incompetent to the exercise of any of the gt. & distinguishing acts of sovereignty—They can neither make nor receive (embassies) to or from any other sovereign—they have not the powers of injuring another or of defending themselves from an Injury offered from one another—they are deaf, dumb and impotent—these Faculties are yielded up and the U. S. in C. Assd. hold and possess them, and they alone can exercise them—they are so far out of the controul of the separate States yt. if every State in the Union was to instruct yr. Deleg., and those Delegates within ye powers of the Arts. of Union shd. do an act in violation of their Instructions it wd. nevertheless be valid. If they declared a war, any giving aid or comfort to the enemy wd. be Treason; if peace, any capture on the high seas wd. be piracy. This remark proves yt. the States are now subordinate corporations or societies and not sovereigns—these imperfect States are the confederates and they are the electors of the

Mason—The Powers are sufficient—and were they not so, we should imitate the Amer. Ministers who negotiated the Treaty of Peace & did so without full Powers, trusting to the Congress to ratify.

Moreover the proposed System is not impracticable—the public opinion is not opposed to it—the Impost was opposed because the Congress consisted of a single Branch, possessing Legislative, judicial and executive powers. They were unworthy of being entrusted with additional Powers,—the People would not rest satisfied with the secret Journals of a Conclave.

magistrates who exercise the national sovereignty. The Articles of Confedr. are perpetual Union, are partly federal & partly of the nature of a constitution or form of Govt. arising from and applying to the Citizens of the U. S. & not from the individual States.

The only criterion of determining what is federal & what is national is this, those acts which are for the government of the States only are purely federal, those which are for the government of the Citizens of the individual States are national and not federal.

If then the articles of Confedr. & perpetual union have this twofold capacity, and if they provide for an alteration in a certain mode, why may not they be so altered as that the federal article may be changed to a national one, and the national to a federal? I see no argument that can be objected to the authority. The 5th article regulates the influence of the several States and makes them equal—does not the confed. authorize this alteration, that instead of this Equality, one state may have double the Influence of another—I conceive it does—and so of every Article except that wh. destroys the Idea of a confedy. I think it may be proved that every article may be totally altered provided you have one guarantying to each State the right of regulating its private & internal affairs in the manner of a subordinate corporation.

But admitting that the Arts. of Confed. & perpet. Union, or the powers of the Legis. did not extend to the proposed Reform; yet the public Deputations & the public Danger require it—the system proposed to be adopted is no scheme of a day, calculated to postpone the hour of Danger, & thus leave it to fall with double ruin on our successors—It is no crude and undigested plan; the child of narrow and unextensive views, brought forward under the Auspices of Cowardice & Irresolution—It is a measure of Decision, it is the foundation of Freedom & of national Glory. It will draw on itself and be able to support the severest scrutiny & Examination. It is no idle experiment, no romantic speculation—the measure forces itself upon wise men, and if they have not firmness to look it in the face and protect it—Farewell to the Freedom of our Government—our military glory will be tarnished and our boasts of Freedom will be the scorn of the Enemies of Liberty.

The whole People agree in two points—first, that the Government should be Republican—Second, that the Legislature shd. consist of two Branches.

That two branches shd. be unanimously adopted, must have happened by a miracle, or by a fixed and universal opinion of the People.

The Gentlemen from N. Jersey adhere to the plan of the Confederation, and think that Requisition, after all experience, may be made on the State, and, if requisite, executed by military Force. I think that this cannot be accomplished. We can no more execute civil Regulations by the Militia, than we can unite opposite Elements, mingle fire with water—besides military coercion does not distinguish between the innocent and the guilty—and it would therefore be unjust. I will never consent to abolish the State Govts., because no General Govt. can perform their Duties. We may proceed a certain length in favor of the Genl. Govt., but for myself, I will take equal care of the State Govts. We cannot make a perfect System, there will after doing our best be faults in the work and we can trust our successors with further Amendments.

Martin—The Confederation was formed for the safety & Protection of the particular States, and not for the safety & protection of the union. I cannot support the Genl. Govt. at the Expence of the State Govts., but will contend for the Safety and Happiness of the particular States at the expense of the U. S.

Sherman. Two Branches not requisite, one is sufficient and most fit for a Confederation. No example can be given of two Branches in a federal Govt.—Increase the powers of Congress—preserve the States and avoid a Consolidation of them. Our Treaties would become void by the abandonment of the Articles of Confederation—these were formed by & with the U. S. of N. H., Mass., &c.

Wilson. It is made a question whether the Legislature shall be composed of one or two bodies—whether it shall be elected by the States, or by the People,—and whether the States shall be equally represented, or in proportion to their respective wealth & numbers.—The antient Confederacies were formed in the infancy of Politicks and soon fell victims to the inefficacy of their organi-

zation. Because they had only a single body, it is not therefore expedient that we shd. follow their example.

The Dutch & Swiss Confederacies have been preserved by external balances—The German League is kept by the predominance of the imperial House. Our equality of Votes was an occasional Compact, produced in a crisis of our Affairs. The Great States conducted like the true mother in the controversy of the Harlots—they like her, in the claim of her child, gave their sovereignty to the small States, rather than it shd. be destroyed by the British King.

June 20 (121.)

FJohnson—The Gentleman from N. York is praised by all, but supported by no Gentleman. He goes directly to the abolition of the State Governments. All other Gentlemen agree that the Genl. Govt. shd. be made more powerful and the State Govt. less powerful. In the Virginia Plan, Provision is made to increase the general Powers, but it contains no Provision for the security of the States—The Plan of N. Jersey provides for the Security of the Genl. & State Govts. If the advocates for the Virginia Plan can show that it affords to the States security against the Gen. Govt. we may all agree.

Wilson—We have agreed that the Legislatures shall appoint one Branch of the national Govt.—give to the National Gov. power reciprocally to appoint one Br. of each State Legislature—How wd. this endanger the States? What Power of the States would the General Govt. desire to have? Would a portion of the State powers, were they acquired, be of considerable importance to the Genl. Govt.? any attempt to acquire the same would excite and the People would not suffer it.

Madison—The History of the antient Confederacies proves, that there has never been Danger of the ruin of the State Govts. by Encroachment of the General Govt., but the converse is true, the particular Govts. have overthrown the Genl. Govt. I have therefore been assiduous to guard the general Govt. from the power of the State Govts. These Govts. regulate the conduct of their Citizens,

they punish offenders, cause ordinary Justice to be administered & perform acts which endear the Govt. to the People, who will not suffer the general Govt. to injure the State Govts.

☞ The Convention resolved that the Genl. Legislature shd. consist of two Branches. So. Carolina moved that Representatives shd. be chosen as the several State Legislatures shd. judge proper.

Madison and Wilson opposed the Election by State Legislatures and recommended the Election by the People. State Elections will introduce State influence opposed to that of the Genl. Govt. The States will elect to Congress and manage the affairs of the States also—if the State Legislatures elect, they will also instruct and so embarrass the Representatives—otherwise, if elected by the People. There will be no difficulty in popular Elections—the returns may be made to the State Legislatures who may settle contested Elections.

decided 4, ay—1 divided—6 No. Motion negatived.

DURATION OF TERM OF REPRESENTATIVES.

Dickinson—Annual Elections are favorites in America—it suits England which is a small country. But annual, biennial or triennial are too short terms for America—I would consent to three years with a classification by wh. one third shd. expire and be renewed annually.

Strong & Ellsworth—Except So. Carolina we are all accustomed to annual Elections.

Wilson also agrees to annual Elections.

Mason—An annual Election will give an advantage to some over other States—in Virginia & Georgia, from our sparse and remote settlements, we could not ascertain in less than three years who were elected—The States that are most compactly settled will be the first on the floor, and those of extensive settlements will be absent, unless the Elections precede for a long time the time of meeting.

Hamilton—I prefer three years to a longer or shorter Term. The Dependence on Constituents is sufficient, & the independence of the members as little as it ought to be.

June 25.

ELECTION OF SENATE.

Wilson—Every man will possess a double character. He will be a citizen of a particular State and also of the U. S. The National Legislature will apply to the latter, and should therefore be chosen by the citizens of the U. S., and not by the State Legislatures—because the Members of the State Legislatures are particularly chosen on account of their State Citizenship and attachments—they have a remote connexion with the Genl. Govt. and a direct and intimate one with that of the several States.

The Distinction indicates the character of the Electors of the Senate, and the Circumstance shd. influence our decision in respect to the choice of the Senators. The General Govt. is separate and distinct from the State Govts.; War, Peace, Commerce, Revenue, are the particular concerns of the Genl. Govt., while inferior and local interests are confided to the State Government. In whatever concerns the Questions confided to the Genl. Govt., we act as Citiz. of the U. S., and in relation to the interests intrusted to the State Govts. we act as Citiz. of the respective States. We should not then refer ourselves to the Legislatures of the States in appointing the Senators of the U. S., but should proceed on the Basis of the People, and choose the Senators by Electors appointed by the People.

Ellsworth—We must build our Genl. Govt. on the strength & vigour of the State Govts. The Genl. Govt. could not proceed without their support, or by the help of a large standing army. Massachusetts is unable to go on with her republican Govt. without an army—Virginia cannot & does not govern Kentucky—Each of these States (Mass. & Virg.) are too large for a Republican System. I am in favor of the old scheme & for proceeding on the continuation of the States, and therefore for electing Senators of the U. S. by the State Legislatures.

Johnson—When the Question of State Security or individuality occurred, it was urged by Mr. Wilson & Mr. Madison that the States were secured by the Rights of their Legislatures to appoint the Senators of the U. S. If their security depend on

this mode of choice, the proposed plan to elect the Senators by Electors chosen by the people would destroy the promised security of choosing them by the Legislatures of the States.

Mason—The national Executive has a negative on the two Branches and each Branch has a negative on the other. The Genl. Govt. moreover has a negative on the several State Legislatures, and this Regulation is necessary on the principle of Self-Defence, which is an instinctive Principle, or Law of Nature ; and in a suitable degree shd. be possessed by natural and artificial bodies—being granted to the Genl. Govt., why withhold it from the State Govt. ? What other influence over, or check upon the Genl. Govt. will the States possess, if their Legislatures do not elect the Senate or second Branch of the Natl. Govt. I am unwilling to have the States without a self-protecting Power—as I desire the continuance of the several States, I shall not agree to deprive them of the Faculty of self-Protection.

June 27.

That the suffrage of the first Branch of the Legislature (the H. of R.) ought not to be equal among the States.

Martin. The States are equal and we have agreed in the Equality of votes excepting Virginia & N. Carolina, the latter being divided—By giving more votes to the large than to the small States, the large ones will combine and tyrannize over the small States—these States would have 42 of 90 votes in the first Branch—Now, under the confederation, seven States may combine—but they are the constitutional majority.

(Remarks. The Ratio of taxes is determined by the 8 art. of the Confederation wh. gives equal votes to the States—even the Post office cannot be so regulated as to obtain a Revenue beyond the Expenses of supporting—but under the proposed amendment the Power of taxation is not limited, but may be exercised in such manner as the national Legislature may prefer.)

Martin—continued—The amendment of the Confederation must be made in reference to the State Govts. and for their Safety & Protection—all which relates to external, and concerns that are merely national, may be granted to the U. S. while all that is in-

ternal and relative to the individuals of the separate States must continue to belong to the particular States—If further Powers to the U. S. become requisite a future Convention may propose them to the States. If we give more than enough now, it can never be retained (resumed). We hear it said, that if the Genl. Govt. makes Laws affecting individuals instead of States the Govt. ceases to be federal—but if the persons and concerns affected by the laws of the Genl. Govt. be foreign or external, the Govt. would be merely federal as regards everything within the power of the States separately, which would remain wholly subject to State Laws—the States being equal must have equal influence and equal votes.

All men out of Society are by nature equal, in freedom and every other Property of men. Locke, Vattel and all other writers establish this Truth.

June 28.

Madison—The Gentlemen opposed to a Representation founded upon the number of Citizens of the respective States, are somewhat inaccurate in their observations—They speak of Tyranny and of the small States being swallowed up by the large ones—They apprehend combinations between Mass. Penn. & Virginia against the other States. But there is nothing in Religion, manners, modes of thinking or Habits of any sort, manufactures or course of Business, commerce or natural Productions which would create a common interest or Prejudice between these States exclusive of all others. There is no fact in the history of men or nations that authorizes such a Jealousy. England and France might have combined to divide America. The great States of Greece, Athens & Sparta, which were members of the Amphictionic League never combined to oppress their co-estates—instead thereof, they were Rivals and fought each other. The greater Cantons of the Helvetic Union, did not combine against the small Cantons; no such combination has existed in the Union of the Netherlands. Instead of Combination, the great States of Germany have often been at war with each other—These are not only Historical Facts, but they proceed from a Law of Nature that

governs men and Nations, which are but aggregates of men. When men or Nations are strong and equal they become Rivals and Jealousy prevents their Union.

Chas. Pinckney. The Honors & Offices may become the objects of strong desire and of combination to acquire them. If Representatives be apportioned among the States in the Ratio of numbers, the Citizens will be free and equal but the States will be unequal, and their sovereignty will be degraded.

Friday, June 29.

Johnson. The two sides of the House reason in such a manner that we can never meet. Those who contend for the equality of votes between the States, define a State to be a mere association of men and affirm these associations to be equal ; on the other side, they who contend for the apportionment of votes according to numbers, define a State to be a District, or country with a certain number of Inhabitants, like a parish or county ; and these say that these Districts should have an influence in proportion to the number of their Inhab. Both reason correctly from their Premises. We must compromise and gratify both ; let one branch be composed according to the Rule of Equality, and the other by the Rule of Proportion.

Madison. We are vague in our language. We speak of the Sovereignty of the States. The States are not sovereign in the full extent of the term. There is a gradation from a simple corporation for limited and specified objects, such as an incorporation of a number of Mechanicks up to a full sovereignty as possessed by independent Nations, whose Powers are not limited. The last only are truly sovereign. The States, who have not such full power, but are deprived of such as by the Confedn. compose the natl. powers are in the true meaning of the word Sovereigns. They are political associations or corporations, possessing certain powers—by these they may make some, but not all, Laws.

Hamilton. Men are naturally equal, and societies or States, when fully independent, are also equal. It is as reasonable, and may be as expedient, that States should form Leagues or com-

pacts, and lessen or part with their national Equality, as that men should form the social compact and, in doing so, lessen or surrender the natural Equality of men. This is done in every society; and the grant to the society affects Persons and Property; age, minority & Estates are all affected.

A Man may not become an Elector or Elected, unless of a given age & having a certain Estate. Let the People be represented according to numbers, the People will be free: every Office will be equally open to all and the majority of the People are to make the Laws. Yet it is said that the States will be destroyed & the People will be Slaves—this is not so. The People are free, at the expense of an artificial & ideal Equality of the States.

On this Question for apportionment

Cont. N. Yk, N. Jersey & Delaware—No.

Maryland divided

Mass. Penn. Virg. N. Car. S. Car. Georgia—ay.

Ellsworth moved that in the second Br., or Senate, each State should have one Vote only. As the first, or Democratic, Br. represents the People, let the second Br., or Senate, represent the States. The People will thus be secured and the States protected. Without we agree in this motion we shall have met in vain. None of the eastern States, except Mass, will consent to abolish the States. If the southern States agree to a popular, instead of a State, Representation we shall produce a separation. The Union must be cut in two at the Delaware. This plan of forming the Senate is to give an equal vote to the States, will secure the small States, and as the numbers of the large States will have more influence, tho' they have the same & an equal vote with the small States, they will receive no injury. Holland has but one Vote in the States, yet her influence is greater than that of any two of the States. There is Danger that the large States may combine to overpower the small States; the danger is not so great by reason of the distance between the large States, still there is danger; they will be able to combine and therefore there is danger. Three or four can more easily enter into Combinations than nine or ten.

Madison. One Gentleman from Connecticut has proposed doing as much as is prudent now, leaving future amendments to Posterity,—this is a dangerous doctrine. The Defects of the Amphictionic League were acknowledged, but were never reformed. The Netherlands have four times attempted to make amendments in their Confederation, but have failed in each attempt. The Fear of innovation, the hue & Cry in favour of the Liberty of the People will as they have done prevent the necessary Reforms. If the States have equal Votes & influence in the Senate we shall be in the utmost danger, the minority of the People will govern the majority. Delaware during the late war opposed and defeated an Embargo, to which twelve States had agreed, and continued to supply the enemy with Provisions in time of war.

30 June.

SHALL THE SENATE BE EQUALLY APPD. AMONG THE STATES?

Wilson. The proportionate Representation in the H. of R. was opposed by 22 out of 90 : the latter number standing for the who. Population. The Equality of votes among the States will subject the majority of the People & Property to be governed by the minority of each—even if the States, being a majority, make $\frac{2}{3}$ ths of the whole—and will be able to govern and control $\frac{2}{3}$ ths. This is too palpable an error, too great a Defect in the Constitution to permit the expectation of public harmony & Happiness.

The Gentleman from Connecticut (*Ellsworth*) urges that if the Representation in the Senate be in proportion to the numbers of the People, we shall establish an aristocracy or monarchy—three or four large States may combine for monarchy ; if not so, for aristocracy. 4 States containing a majority of People will govern 9 other States—but the danger of combination & aristocracy is not greater, nor so great, among the large States as the small ones. Seven States contain only $\frac{2}{3}$ ths of the People : if the 24 control the 66, this would in reality be an Aristocracy—and one that could not endure.

July 5.

SHALL THE RATIO OF REPRESENTATIVES BE 40,000?

G. Morris—Mere numbers should not be the rule : tho' it may be a fit rule at present, it will cease to be so, when the Western Country is settled. We should take care not to establish a Rule, that will enable the poor but numerous Inhabitants of the West to destroy or oppress the Atlantic States. Men do not enter into Society to preserve their Lives or Liberty—the Savages possess both in perfection—they unite in Society for the Protection of Property.

Genl. Rutledge. I agree with Mr. Morris. Property is the object of Society. I therefore propose that the Representation should be in proportion to the taxes paid in given Districts—let the property be represented. I do not consider Numbers to be a true index of wealth even now, hereafter it will become less so.

Saturday, July 7.

IN THE HOUSE. ON THE REPORT OF GENL. COMEE. SHALL THE STATES HAVE EQUAL VOTES IN THE SENATE?

Gerry. I agree to the measure, provided that the first Br. (H. of Reps.) shall originate money bills and money appropriations. The prejudices as well as the interest of our Constituents must be regarded—two or three thousand men are in office in the States—their influence will be in favor of an Equality of votes among the States.

Madison. Equality in the Senate will enable a minority to hold a majority, and to oblige them to submit to their interests, or they will withdraw their assent to measures essential and necessary to the general Good. I have known one man, when the State was represented by only two, and they were divided, oppose six States in Congress on an important occasion for three days, and finally compel them to gratify his caprice in order to obtain his suffrage. The Senate will possess certain exclusive Powers, such as the appointments to office, if the States have equal votes ; a minority of People will appoint the Great Offices. Besides the small States

may be near the Seat of Govt.—a bare Quorum of the H. of R. may be easily assembled, and carry a bill against the sense of a majority if all were present, and the Senate, tho' all were present, might confirm such Bill. Virginia has objected to every addition of the powers of Congress, because she has only $\frac{1}{18}$ of the Power when she ought to have one sixth.

Paterson. I hope the question will be taken : if we do not give equal votes in the Senate to the States, the small States agreeing that money Bills and appropriations shall originate in the H. of Reps., elected according to numbers, it must not be expected that the small States will agree to the amendments of the Confederation. Let us decide this question and lose no more time. I think that I shall vote against the provision, because I think that the exclusive originating of money Bills & appropriations by the H. of Reps. is giving up too much on the part of the small States.

Gov. Morris. Let us examine what the small States call the consideration which they are to give for the adventure of an equal vote in the Senate. How did it happen that the small States acquired this advantage of an equal vote ? When England pressed hard upon us, the small States said go on with your opposition without us, or give us an equal vote ; and so they obtained it. And now they call the Confederation, made under these circumstances, a sacred Compact, that cannot be changed. We are met to propose new and further powers for the Genl. Govt. The great States may truly say that the Confederation is defective, it wants more power, especially as respects the levying of Taxes, and the regulation of Trade—we are sensible of this Truth, but we also know the further Defect of the want of a proportionate Representation in Congress, and are unwilling to add to the Powers unless the Representation bear a just Proportion to the power we confer & the interest that we shall have in the Regulations of the General Govt. Unless we can agree with others in establishing a vigorous General Government, we must for our own safety make vigorous State Govts., & not depend on a weak General Govt. Germany has an Emperor and a powerful one, a common Language ; her religion, customs, Habits and interests are not dissimilar, yet the glory of her Princes and the Prosperity of her free cities are preferred to those of the Empire, whose honors are less.

esteemed than those of the subordinate Princes—In our plan, we propose an Aulic Council, but we shall have no Emperor to execute its Decrees.

July 15.

On question to apportion the Senate differently from the Rule of Equality in the votes, as proposed by Ch. Pinckney 4 ayes, 6 noes, 1 divided—Gorham being absent, Massachusetts, Strong & Gerry against King, voted with the noes.

MEMORANDUM.

July 15, '87.

About twelve days since the Convention appointed a Grand Comee, consisting of Gerry, Ellsworth, Yates, Paterson, Franklin, Bedford, Martin, Mason, Rutledge & Baldwin to adjust the Representation in the two Brs. of the Legislature of the U. S. They reported yt. every 40,000 Inhab. taken agreeably to the Resolution of Cong. of ye 18 Ap. 1783, shd. send one member to the first Br. of the Legislatre, yt. this Br. shd. originate exclusively Money Bills, & also originate ye appropriations of money; and that in ye Senate or upper Br. each State shd. have one vote & no more. The Representation as to the first Br. was twice recommitted altho' not to the same Committee; finally it was agreed yt Taxation of the direct sort & Representation shd. be in direct proportion with each other—that the first Br. shd. consist of 65 members, viz. N. H. 3, M. 8, R. I. 1, C. 5, N. Y. 6, N. J. 4, P. 8, D. 1, M. 6, V. 10, N. C. 5, S. C. 5, G. 3,—and that the origination of money Bills and the Appropriations of money shd. belong in the first instance to yt Br., but yt in the Senate or 2nd Br. each State shd. have an equal Vote. In this situation of the Report it was moved by S. Car. that in the formation of the 2nd Br., instead of an equality of Votes among the States, that N. H. shd. have 2, M. 4, R. I. 1, C. 3, N. Y. 3, N. J. 2, P. 4, D. 1, M. 3, V. 5, N. C. 3, S. C. 3, G. 2=total 36.

On the question to agree to this apportionment, instead of the equality (Mr. Gorham being absent) Mass., Con., N. Jer., Del., N. Car., & Georg—No. Penn., Mar., Virg. & S. Car. Aye.

This Question was taken and to my mortification by the vote of Mass. lost on the 14th July.

(endorsed "inequality lost by vote of Mass.")

Aug. 7th.

3rd Article. A negative in *all cases* proposed to be altered to all cases in which Each Branch has concurrent jurisdiction.

Madison proposed to strike the clause out, which was done. He also proposed to omit the provision, fixing the time when the Legislature should meet.

Morris—in favor of leaving the time of meeting to the Legislature, and observed that if the time be fixed in the Constitution, it would not be observed, as the Legislature wd. not be punctual in assembling.

Gorham—in favor of the Legislature's meeting once a year and of fixing the time. They should meet, if for no other Business, to superintend the Conduct of the Executive.

Mason—in favor of an annual meeting.—The Legislatures are also inquisitorial and should meet frequently to inspect the conduct of the public Officers.

4 Art. § 1. Electors to be the same as those of the most numerous Branch of the State Legislature.

Morris proposed to strike out the Clause, and to leave it to the State Legislatures to establish the Qualification of the Electors and Elected, or to add a clause giving to the Nat. Legislature powers to alter the qualifications.

Ellsworth—If the Legislature can alter the qualifications, they may disqualify three fourths, or a greater portion of the Electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the Qualifications which we have proposed to confirm.

Dickinson—It is urged that to confine the Right of Suffrage to the Free-Holders is a step towards the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil ; and it will not be unpopular to do so, for the Freeholders are the more numerous Class. Not from freeholders, but from those who are not freeholders, free Govts. have been endangered. Freeholds are by our Laws of inheritance divided among the

children of the deceased, and will be parcelled out among all the worthy men of the State ; the merchants & mechanicks may become freeholders ; and without being so, they are Electors of the State Legislatures, who appoint the Senators of the U. S.

Ellsworth—Why confine the Right of Suffrage to freeholders ? The Rule should be that he who pays and is governed, should be an Elector. Virtue & Talents are not confined to the Freeholders, and we ought not to exclude them.

Morris. I disregard sounds and am not alarmed with the word aristocracy, but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an Aristocracy. There cannot be an aristocracy of Freeholders if they all are Electors. But there will be, when a great & rich man can bring his poor Dependents to Vote in our Elections—unless you establish a qualification of Property, we shall have an aristocracy. Limit the Right of suffrage to freeholders, and it will not be unpopular, because nine Tenths of the Inhabitants are freeholders.

Mason. Every one who is of full age and can give evidence of his common Interest in the Community should be an Elector. By this Rule, freeholders alone have not this common Interest. The Father of a family, who has no freehold, has this Interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the Right of Suffrage shd. be confided is an English Prejudice. In England, a Twig and Turf are the Electors.

Madison. I am in favor of entrusting the Right of Suffrage to Freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the Cities and Boroughs are elected by freemen without freeholds, & who have as small property as the Electors of any other country. Where is the crown influence seen, where is corruption in the Elections practiced—not in the Counties, but in the Cities and Boroughs.

Franklin. I am afraid that by depositing the Right of Suffrage in the freeholders exclusively we shall injure the lower Class of freemen. This Class possess hardy Virtues and great Integrity.

The revolutionary war is a glorious Testimony in favor of Plebeian Virtue—our military and naval men are sensible of this Truth. I myself know that our Seamen who were Prisoners in England refused all the allurements that were made use of, to draw them from their allegiance to their Country—threatened with ignominious Halters, they still refused. This was not the case with the English Seamen, who, on being made Prisoners entered into the American Service and pointed out where other Prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English Seamen were not so. In antient Times every free man was an Elector, but afterwards England made a Law which required that every Elector should be a freeholder. This Law related to the County Elections—the Consequence was that the Residue of the Inhabitants felt themselves disgraced, and in the next Parliament a law was made, authorizing the Justice of the Peace to fix the Price of Labour and to compel Persons who were not freeholders to labour for those who were, at a stated rate, or to be put in Prison as idle vagabonds. From this Period the common People of England lost a great Portion of attachment to their Country.

Wednesday 8. August.

QUALIFICATIONS OF ELECTORS OF REPS.

Gorham. The Qualifications (being such as the several States prescribe for Electors of their most numerous Branch of the Legislature) stand well. Gentlemen are in error, who suppose the Electors of Cities may not be trusted. In England the members chosen in London, Bristol & Liverpool are as independent as the members of the Counties of England. The Crown has little or no influence in City Elections, but has great influence in Boroughs, where the Votes of Freeholders are bought & sold. There is no risk in allowing the merchants & mechanicks to be Electors ; they have been so time immemorial in this Country & in England. We must not disregard the Habits, usages & Prejudices of the People. Propose a window Law in New England and you would offend the People ; propose a Poor Tax in Old England, and it

would in like manner offend the People. So if you exclude Merchants & Mechanicks from the list of Electors you will offend them.

Question respecting qualification of Elector & between Resident, Inhabitant with residence of 3 years.

Morris proposed that Freeholders only shd. be Electors of Reps.

Rutledge proposed Residence for 7 years in the State.

Mason. I am in fav. of Residence being a qualification of Representation, otherwise a stranger may offer and by corruption obtain an Election. Without this security, we may have a Borough system and Eng. Corruption. After several votes the Question settled as in ye Constitution.

NATURALIZATION.

14 years Residence after naturalization being proposed as requisite to be chosen a Senator of the U. S.—it was said to be illiberal.

Morris. Liberal and illiberal are relative and indefinite Terms. The Indians are the most liberal of any People, because when Strangers come among them, they offer their wives and daughters for their carnal amusement. It is recommended that we throw open our Doors, and invite the oppressed of all Nations to come & find an asylum in America. It is true we have invited them to come & worship in our Temple, but we have never proposed that they should become Priests at our Altars. We should cherish the Love of our Country and exalt its honour—these are wholesome Prejudices in its favor. Foreigners cannot learn our Laws or understand our Constitution under fourteen years. Seven years are requisite to learn to be a shoemaker, & double this Term will be necessary to learn to be an American Legislator; and it will require at least fourteen years to eradicate native attachment & the affections of Education.

Franklin opposed to fourteen years. It will be illiberal. We have many good friends in England and other parts of Europe who ought not to be excluded.

Wilson, opposed to fourteen years.

POWERS OF THE CONVENTION.

Endorsed "Federal Constitution Speeches in Genl. Convention
1787."

K. We have power to propose anything, but to conclude nothing.

We may expect the approbation of Congress and hope for that of the Legislatures of the States. It is not so sure as some Gentlemen believe it to be, that the Power of the States is the idol of the People, and that they are unwilling to see established a general or national Govt. A citizen of N. Jersey who may be gratified by being called so, will not feel himself degraded by being called a Citizen of the U. S. The object of our Convention is to increase the power of the general Govt. and that too at the expense of the State Govts.

It is not requisite, nor expedient, that the Rights or power of the People should be diminished—they have already given powers sufficient both for the State & general Govt. and all that we are called upon for, is to make a right Division of these Powers between the General and the State Governments. Whether we regard the Power, which makes the Laws, or that which interprets them, or that by which they are carried into execution, nothing further is necessary than a proper division of each Department between the Genl. and the State Govts.

The organization of the State Govts. will remain, or may be altered by the States respectively. Our business is to organize the General Govt., to divide it into Legislative, executive & judicial bodies; and to do this on safe Principles, neither giving to either too much power, nor too little, beginning with the Legislative and causing the judicial & executive power to be co-extensive. To constitute the Legislature of a free Govt. it must rest upon the Power of the People, and be created by them—not like the Power of Congress, which rests upon the States & is unsound because it rests upon a single unbalanced body. Moreover it is unequally composed, the Equality of Votes is a Vicious Principle that cannot be endured—tho' with the actual Powers of Congress, it has hitherto been borne, the badness of the Principle is such that the large States will not consent to enlarge these Powers—

if further Powers be given, the National Legislature must be appointed in Proportion to the numbers & wealth of the several States. It must also be divided into two Branches—by this means it may be balanced, which is impracticable with one Body.

And tho' to restrain and balance the Powers of the Legislature it must be divided, the contrary is true with the Executive. Division of the Executive destroys Responsibility the members contend with each other, or combine for bad purposes—the first Triumvirs at Rome, and afterwards the Consuls prove that this will be the case.

The Judiciary must be independent, and its powers co-extensive with those of the Natl. Govt.

APPENDIX II.

The following, in the handwriting of R. King, gives an interesting statement of the circumstances attending the dissolution of the American army after the peace of 1783:

In a conversation with Col. Wm. D——r on the 12th Oct. 88, concerning the views of the American Army a short time previous to its being disbanded, there was reason to conjecture that his knowledge of that subject might be relied on, as well from his personal observations made at the time, he being then in camp, as from conversations since with Col. Armstrong, who was author of the letter addressed to the army and deep in the conspiracy. From this conversation it appears that the arrival of peace and the approaching dissolution of the army formed a singular crisis in the military annals of America—a return to private life was to a majority of the American officers a prospect of obscurity if not of actual misery. The American governments were not favorable to their claims. Their respectability wd. be lost by separation and their pretensions derided. They were without wealth or family influence and their military situation was more inviting and pleasant than any that they cd. expect or hope.

Their object was to perpetuate that situation or procure one

more eligible for this purpose. They must have a leader and property must be combined for their support. Although the severe virtues of the Commander in chief gave small hopes of his countenance, yet they did not despair of alluring him in some measure to their views. Col. Walter Stuart was employed by the conspirators to sound the General. The agent is said to have been ill-chosen. How far the plan was opened by him to the Genl. does not appear ; but a fixed conviction was produced in the mind of Col. Stuart that they should meet with the most decided opposition from the Commander in Chief. Genl. Gates was then fixed on as their leader, and the conspiracy was too inviting to be rejected by him. R. Morris was sounded & listened to the conspiracy ; the hopes of future greatness, which he might promise himself in case of success, by having the sole direction and controul of the Finances, perhaps might influence him—he is said, when asked how can an army be fed when opposed by the country, to have replied, "*I will feed them.*"

Knox is said to have acquired some information on the subject and to have communicated it to the Comr. in chief before the publication of the first address to the Army. This gave him time to prepare in season. The manner in wh. he acquired information was such that the communication thereof to the Genl. gave universal dissatisfaction to the conspirators. The public meeting is said to have been exquisitely critical. Pickering, who was not in the conspiracy, & who was not partial to the Commander in chief, spoke with firmness concerning the wrongs of the Army, but disapproved the Address. There was wanting but a man of Firmness and moderate Eloquence to have followed Pickering, and notwithstanding the Address of the General, to have taken the army out of his hands & to have placed it in those of the appointment of the Conspirators. The issue is well known ; the army was quietly disbanded. Washington was before dissatisfied with Gates ; this step must have finished his aversion. It is said that he has since been informed that R. Morris was in the conspiracy ; if so, the cordiality between him & Morris cannot be sincere. He must dislike Morris, because he conspired in favor of his Rival and against his Glory.

The statement ends here.—ED.

APPENDIX III.

The following statement, in the handwriting of R. King, gives some information about the plan of certain capitalists in France to contrive with persons in the United States to purchase the Debt due from the U. S. to France.

NEW YORK, 21 December, 1788.

Some days since Col. Duer mentioned to me that his situation required that he shd. pay some attention to his pecuniary Concerns, and to the establishment of some permanent provision for the Decline of Life and the support of his Family. He remarked that Mons. de Warville who lately returned to France came to this country with a view of looking into its Debt & Resources, to be able to give good information to such European capitalists as may be disposed to speculate in the American funds. That Mons. de Warville, who was a Geneva Banker, had devised a plan of purchasing the Debt due from the U. S. to France, that Capitalists of France would embark in the Purchase, that they proposed the association of Americans to the amount of a moiety of the Purchase, that he had been consulted on the Subject and the plan had been submitted to him, and proposed to me a concern in the project—my answer was ambiguous and indefinite.

Yesterday Col. Duer renewed the conversation and told me that he had conferred with Wadsworth, Genl. Knox & Mr. Osgood on the Subject—that he had informed them that Rob. & Gov. Morris had in view something of the same nature with Clavière's plan ; that they had proposed to unite with him (Duer) and that Gov. Morris was going to Europe, with this among other views. That he had in some sort assented to the Morris proposals, and given letters to Govr. to the associates of Clavière having previously shewn them to Warville. That the design of Govr. was that Duer, R. Mor. & Govr. Morris shd. be the principal Americans, that Constable & Duer's friend (Osgood) shd. be admitted and such other shares as shd. become absolutely indispensable shd. be taken into the Association ; and that beyond these shares or *Portions* (which Govr. seems to have in view to limit) the surplus gains shall be equally divided between Duer

R. M. & Gouver. Morris—That the operation or effect of the Letters given to Govr. Mor. wd. go no farther than to admit him & R. M. as individual associates, on a common footing—That the intention of Clavière & Warville was to make a conditional Convention for the Transfer of the Debt due to France, the convention to become valid when ratified by Congress. But shd. this fail, the Idea of the Morris and of Clavière and others, is that the measure might be accomplished by the Influence of an American Minister in Holland—R. Morris & the few friends of Govr. Morris would push his appointment—Duer conceived that Mrs. Knox had been assailed on the subject, that Knox might be influenced in its favor, &c, & said that he had therefore in company with Wadsworth freely conversed with Genl. Knox concerning the whole project—that Knox & Wadsworth had requested him to apply to me and to know whether I wd. accept a public appointment to Holland—that he had fully conversed with Osgood on the subject, and that Knox, W. & Osgood concurred in the entire propriety of my appointment. I told Col. Duer that I was not indisposed to a foreign appointment—that the honor & Duties of such an office wd. be my Sovereign rule of Cond. & that if in perfect consistence with the Duties & Dignity of the Office, I cd. promote the interest of my Friends, it wd. be a great satisfaction to me. But that I desired not to be considered as giving an answer any way at present, that although Knox might prefer me to Govr. Morris, yet the opinions of Mr. Jay & Col. Hamilton were of consequence in my mind. That previous to any Decision on my part I must be ascertained of their opinions.

Duer observed that there were some reasons why I should make an early Determination such as the undecided State of Genl. Knox's mind and the probability of a direct application for his Influence from R. Morris.

